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ABSTRACT

This collection of official texts is the result of the European sports cooperation in 1995 and the fourth in a series of publications by this organization. Part 1 reprints the Recommendations and Resolutions on Sport as adopted by the Committee of Ministers in 1995 dealing with young people and sport and the significance of sport for society. Part 2 presents the items discussed and decisions taken from the Work of the Standing Committee of the European Convention on Spectator Violence and Misbehavior at Sports Events, particularly, football (soccer) matches and the Work of the Monitoring Group of the Anti-Doping Convention. Part 3 states that no texts were adopted by the Parliamentary Assembly. Part 4 includes the texts and resolutions on tolerance and cooperation from the Conference of European Ministers responsible for Sport Conference held in Lisbon, Portugal, on May 17-18, 1995. Part 5 offers summaries of sports-related meetings and seminars held in 1995 in Edinburgh, Scotland; Bulgaria; Croatia; Slovenia; Belarus; Bratislava, Czechoslovakia; and Paris, France. It also includes a report, comments, and responder list to a cross-national questionnaire on sports for persons witn disabilities, a report on sports and the law, and a report on sports and conflict resolution. (Since the last publication, Albania, Latvia, Moldova, The Former Yugoslav Republic of Macedonia, and the Ukraine have become Member States of the Council of Europe. Bosnia-Herzegovina and The Former Yugoslav Republic of Macedonia acceded to the European Cultural Convention.) (NAV)

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The Council of Europe's Work on Sport in 1995

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Introduction

This collection of official texts, resulting from European sports cooperation in 1995, is the next in the series after "The Council of Europe's work on sport" edition 1967-1991 Volumes I and II, the edition 1992-3 and the edition 1994.

Since last year's collection Albania, Latvia, Moldova, "The Former Yugoslav Republic of Macedonia" and Ukraine have become Member States of the Council of Europe; Bosnia-Herzegovina and "The Former Yugoslav Republic of Macedonia" acceded to the European Cultural Convention.

1995 was the year of the 8th Conference of European Ministers responsible for Sport which took place in Lisbon on 17-18 May.

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Note. In addition to the texts which appear in this document, the CDDS published two books:

1) The significance of sport for society - Health, socialisation, economy.
ISBN: 92-871-2716-6

2) Eurofit for Adults - Assessment of health-related fitness.
ISBN: 92-871-2765-4.

Part One

Recommendations and Resolutions on Sport adopted by the Committee of Ministers in 1995

Recommendation No. R (95) 16 on Young People and Sport
(Adopted by the Ministers' Deputies on 12 October 1995)

The Committee of Ministers, in application of Article 15.*b* of the Statute of the Council of Europe,

Recalling the 1989 United Nation's Convention on the Rights of the Child, and referring to Articles 28, 29 and in particular Article 31 which provides among other things that States Parties recognise "the right of the child ... to engage in play and recreational activities appropriate to the age of the child" and encourage "the provision of appropriate and equal opportunities for ... recreational ... activity";

Referring to the European Sports Charter, and in particular to its Article 5, Building the Foundation, as well as to the Code of Sports Ethics which give specific guidance on how to conduct physical activities and sports with young people, and which were adopted by the Committee of Ministers as Recommendations No. R (92) 13 and No. R (92) 14;

Considering the importance of the development and balanced training of physical, intellectual, artistic and moral faculties for any person;

Stressing the contribution which education through sport can make to the fulfilment of the aims of the Vienna Declaration, to social integration, and to health improvement, to the building of character, to the understanding of ethics, to respect for the environment, and to cultural tolerance and international exchanges;

Recalling Committee of Ministers' Resolution (72) 30 on the Hygiene of Sports Installations and Recommendation No. R (87) 9 on the EUROFIT tests of physical fitness for young people of school age;

Considering that the proper provision by society of opportunities for all young people to take part in physical activities can not only encourage a constructive use of leisure time, but can also help fight some of society's problems such as intolerance, aimlessness, violence, alcohol abuse, illicit drug use, etc;

Concerned that the time allotted to physical education or other physical activities in general in the school system is often insufficient to enable the children to benefit, either for their physical development or their mental equilibrium, from the educational programmes that are provided, and that young people who are not involved in sport or physical activities have low levels of physical fitness;

Determined therefore to encourage in their own countries the building of new partnerships to enable young people to learn, create and express themselves through physical activities and sport;

Recalling the work done by other European organisations on youth and sport and acknowledging the unique and irreplaceable contribution of non-governmental sports organisations to providing opportunities for the practice of sport;

Having regard to the Resolution on the European Manifesto on young people and sport adopted by the 8th Conference of European Ministers responsible for Sport (Lisbon, 17-18 May 1995);

Anxious to follow up the principles set out in the above mentioned Resolution,

Recommends that the Governments of member States draw inspiration from the principles and ideas set out in the Manifesto appended to the present Recommendation when framing and implementing policies and activities in the area of youth and sport in their respective countries.

Appendix to Recommendation No. R (95)16

European Manifesto on Young People and Sport

Article 1
Aim

1 The aim of this Manifesto is to foster policies that encourage young people to develop positive attitudes towards participation in sport and physical activity in accordance with the European Sports Charter and the European Code of Ethics, and thus lay the foundation for their lifelong practice.

2 Society as a whole in co-operation with all partners concerned has a duty to provide young people with the opportunities for the achievement of this aim. To this end:

2.1 Public authorities, together with the sports organisations concerned, are responsible for providing the necessary leadership in the development and promotion of a sports policy for young people,

2.2 Public authorities at all levels have a responsibility to contribute to the range of opportunities through appropriate legislative or regulatory frameworks, financial support, the provision of facilities and any other appropriate measure.

Article 2
Definitions

1 The European Sports Charter defines sport as "all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being and forming social relationships, or obtaining results in competition at all levels".

2 The notion of sport in this Manifesto is based on the ideals of humanism and tolerance which characterise the Council of Europe. For young people, physical activity is a natural form of movement involving challenge and enjoyment based on play. For the purpose of this Manifesto, the term young people covers all individuals considered as minors under the national legislation of each member State of the Council of Europe.

Article 3
Scope

1 Sport in all its forms shall be accessible to all young people without any discrimination, offering both girls and boys equal opportunities, and taking account of any special requirements at different ages or of groups with special needs.

2 Participation in sport should aim in particular at

2.1 developing mental, physical and social qualities
2.2 understanding ethical values and fair-play, discipline and rules
2.3 respecting oneself and others, including minority groups
2.4 learning tolerance and responsibility, for instance organisational, as prerequisites for life in a democratic society,
2.5 learning self-control, gaining self-esteem and developing self-achievement
2.6 acquiring healthy life-styles.

3 The overall well-being of the young person comes before any other consideration (such as performance, prestige, commercial exploitation); while each should be helped to reach his or her potential safely, the roles of training and competition should be kept in due proportion.

Article 4
The foundation: families and schools

1 The home and family are the first unit of socialisation for children and have a unique role to play in encouraging them to develop an active and healthy life-style.

2 The school has the vital task of providing sound physical activity and sport so as to ensure a healthy balance between physical and intellectual activities. Sport can make a contribution to the quality of school life in general.

2.1 All young people should be able to receive physical education and acquire basic skills in sport and thus be encouraged, either within or outside the curriculum, to engage in sport or daily physical activity.

2.2 Schools should provide a safe and healthy environment for physical exercise and sport.

2.3 Schools should try to respond to acceptable new trends in sport when they have educational value and offer young people a wide range of possible outlets.

Article 5
Towards lifelong involvement

1 To ensure a progression into a lifelong involvement in physical activity and sport, the assistance of other partners is necessary and public authorities should encourage the creation of such partnerships.

2 Sports clubs and sports organisations including school sport associations play a vital role in providing opportunities for young people to improve their levels of performance through training and competitive events and in promoting and facilitating lifelong participation.

3 Other voluntary or community organisations provide a further important means of attracting the interest of young people towards sport.

4 Commercial organisations can also provide additional opportunities for young people to try a wide range of activities, thereby complementing those outlets provided by the statutory and voluntary sectors.

Article 6
Programmes

1 Appropriate and well-balanced programmes should be made available to provide opportunities for all young people to become involved in sport and physical activity. Programmes should aim at combining physiological and mental development with the acquisition of skills and values.

2 The range of programmes should reflect the needs and encourage the potential of all young people at various stages of growth and development and reflect their differing abilities.

3 Programmes should provide opportunities for exchanges between young people through sport.

Article 7
Leadership

1 All sports activities, inside or outside schools, should be led and directed by qualified and proficient leaders, teachers and coaches, whether they are working on a voluntary or professional basis. These, as well as the managers of sport facilities should be aware of their responsibilities and of the specific needs of young people.

2 Leaders should treat young people with respect, transmit them a message of tolerance and fairness, involve them in decision-making processes in respect of the organisation of their sports activities and encourage them to gain experience in leadership roles.

3 The competent authorities should take appropriate steps to ensure that these teachers, coaches, leaders and managers receive regular in-service training in addition to their initial training.

Article 8
Facilities and equipment

1 All schools should have the necessary and appropriate facilities and equipment for the practice of physical activities and sport.

2 Reciprocal and co-ordinated use of school and community facilities both indoor and outdoor should be promoted, with a view to maximising the use of public funds and facilitating contacts.

3 Use of and access to natural spaces and outdoor facilities, in both urban and rural areas, should be encouraged along with respect for the environment, to ensure sustainable use of such natural resources.

4 All young people should be able to have easy access to facilities and these should be suitable for use by those with disabilities or other special needs.

5 Planners, designers and managers of sport facilities should receive professional training and/or qualifications to enable them to respond to the needs and demands of young people.

Article 9
Resources

Governments should ensure that appropriate support and resources are made available from public funds and encourage involvement by the other partners for the attainment of the aims and purposes of this Manifesto.

Recommendation no. R (95) 17 on the Significance of Sport for Society
(adopted by Ministers' Deputies the on 12 October 1995)

The Committee of Ministers, in application of Article 15.*b* of the Statute of the Council of Europe,

Considering the importance of sport in fostering good health and well-being in society;

Considering that sport provides girls and boys, and men and women with an environment conducive to education and the social development of the individual;

Aware of the growing role played by sport in the economies of European countries, to which it makes a substantial contribution;

Convinced that sport contributes to the implementation of the principles set forth in the Vienna Declaration adopted by the Heads of State and Government of the member States of the Council of Europe on 9 October 1993, notably with regard to tolerance;

Stressing that sport is a fully fledged partner in the social framework and therefore a key factor in public policy-making, particularly in the social, economic and health fields;

Having noted the Declaration on the significance of sport for society adopted by the 8th Conference of European Ministers responsible for Sport (Lisbon, 17-18 May 1995);

Anxious to follow up the principles set out in the above mentioned Declaration,

Recommends that the Governments of member States, in conjunction with the competent public authorities and autonomous sports associations, and in accordance with the European Sports Charter, frame national policies and strategies which foster the development of sport, encourage people of all ages to take up a regular physical activity and reinforce sport as a factor in social development, in compliance with the principles set out in the Appendix to the present Recommendation.

Appendix to Recommendation No. R (95) 17

Principles

1 Health

The widest health benefits of regular physical activity by the population are achieved by enhancing motivation and by expanding opportunities for physical activities at any age which can be practised by the largest numbers of people as part of their daily activities:

in any case, moderately intensive exercise for at least half an hour every day seems desirable for everyone;

the order of priority for support of different activities aiming at health benefits should be based on their efficacy, safety, equality of opportunities for participation and cost-effectiveness.

Higher priority should be given to finding and offering opportunities to motivated but sedentary or irregularly active people. They can be found and should be sought especially among people with limited opportunities or with restricted independence and freedom of choice. A longer term goal should be to motivate those at present lacking the will to exercise.

Measures should be taken to reduce the risk of injuries including, where appropriate, changes in the rules and practices of individual sports, improvements in the environment, education of all parties involved and better dissemination of information on effective prevention programmes and on measures leading to rapid recovery from injuries.

2 Socialisation

Higher priority should be given to providing possibilities for physical activities and sport for children and young people both at school and in leisure-time, in conditions enabling them to enjoy sport, to learn cooperative skills, to create a positive approach towards movement as an appropriate form of recreation and to get involved in decisions concerning their own activities The European Manifesto on Young People and Sport, adopted at the 8th Conference of European Ministers responsible for Sport (Lisbon, 17-18 May 1995), is a means to this end.

Due account should be taken of the potential of team games to encourage children to engage in various social roles and thus develop their ethical and social consciousness and their sense of responsibility in social relations.

Girls should have more opportunities to participate in and remain involved in sport.

The level and intensity of training and competition should be appropriate to the age and physical and mental development of the child. Those responsible for guiding children participating in top-level competition at an early age must make a point of ensuring that the stress of achievement and over-specialisation is minimised and ensure that they do not harm their physical, psychological or moral integrity.

Ethical values and fair play as embodied in the Code of Sports Ethics should be included in the development of all activities.

Training of teachers, coaches, trainers, instructors and leaders, should emphasise the cooperative skills and spontaneous activity of children and the development of a lifelong interest in sport.

Possibilities for valuable social contact through sports for the adult population at large as well as for groups with special needs should be promoted as emphasised in the Resolution on Tolerance and Sport adopted at the 8th Conference of European Ministers responsible for Sport (Lisbon, 17-18 May 1995). In this context, the irreplaceable role played by voluntary sports organisations should be recognised.

The strengthening of international sporting contacts at grass-roots level is an essential contribution to social co-operation and integration and peace.

3 Economy

Public authorities should ensure that they continue to hold primary responsibility for creating and maintaining the conditions for the development of sport as defined in the European Sports Charter. The economic impact of public investment in sport should be recognised and promoted.

The private sector should be encouraged to participate in creating these conditions.

In order to ensure that there are opportunities for all, a complementarity in public as well as private (including consumer and commercial) financing of sport should be maintained. Sports sponsorship has an important role to play in this.

Help should be available to sports with less media appeal, and thus unable to attract funding, in the interests of solidarity between sports.

Measures (such as tax relief) encouraging the voluntary involvement of individuals or groups have proven to be a cost-effective support for sport and should be promoted.
Whilst taking due consideration of the importance of voluntary work, the creation of new jobs and further development of training for current and future employees in the sports sector should also be encouraged.

Part Two

Work of the Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches

15th Meeting
Strasbourg, 22-23 June 1995

List of items discussed and decisions taken

The Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular Football Matches (T-RV) held its 15th meeting in Strasbourg on 22-23 June 1995, with the participation of representatives of FIFA and UEFA.

At the meeting, the T-RV, among other things:

- reviewed the state of signatures and ratifications of the Convention;

- approved the report of its 14th meeting;

- adopted its revised Rules of Procedure as they appear in this report, and requested nominations for the post of second Vice-Chair.

- thanked and congratulated Portugal for the successful holding of the 8th Conference of European Ministers responsible for Sport, Lisbon, 17-18 May 1995, and noted that in its Resolution on Tolerance and Sport, the Conference had invited the Standing Committee, among other things, "to intensify that part of its work which is devoted to the struggle against all forms of discrimination and intolerance and to draw up a plan of action to this end;" and had, in the Resolution on European Sports Co-operation, decided to "give high priority to the efficient application" of the Convention.

- noted the invitation by the Netherlands authorities to hold a major manifestation on tolerance and fair play in early 1996, and agreed to discuss the preparation of the action plan and the manifestation (see below).

- took note of the Secretariat's oral report on the state of preparation of the Sports Sector budget for 1996, noting in particular that the Ministers' Deputies had that day approved the programme of priority activities presented by the Strategy Group of the CDDS. This included an activity on Tolerance and Sport as well as the work of the Standing Committee as a whole.

- agreed to participate in the preparation of the major manifestation on tolerance and fair play to take place in the Netherlands in early 1996;

- decided to set up a working party to this end, with the participation of UEFA and other international sports organisations. This working party will hold its first meeting on 10 - 11 October 1995;

- asked the Secretariat, in consultation with the Chair, to amend the discussion paper submitted by the Netherlands authorities in T-RV (95) Inf 3, in the light of the debate, and to submit it, in the first instance, to the Bureau of the CDDS at its September meeting.

- took note of the national reports presented, including the 16 supplied to the Secretariat prior to the meeting as well as those distributed or orally presented at the meeting;

- invited the Secretariat to examine with the CDDS the possibility of including a seminar on violence and safety questions in the SPRINT programme;

- noted that the Polish authorities were holding an international conference on this subject on 26 October 1995;

- took note of the oral reports by the United Kingdom and UEFA on the preparations being made for Euro '96 and agreed to the United Kingdom's proposal to constitute an ad hoc working party (with the participation of UEFA) on the question, once the sixteen finalist countries were known. It was agreed that the working party could also involve non-participating transit countries who wished to take part in its work, and would meet as soon as possible in the New Year. The United Kingdom delegation and the Secretariat would propose a date (January 1996) as soon as possible.

- agreed that it was necessary to verify the legal relationship between the relevant provisions of the Convention applying the Schengen Agreement and those of the European Convention on Spectator Violence, and asked the Secretariat to prepare a legal opinion on the compatibility of the two texts and the likely situation regarding which would take precedence over the other in the case of conflict. It also noted that the principles of the Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data and those of Committee of Ministers' Recommendation No. R(87)15 regulating the use of personal data in the police sector, were incorporated into the Schengen Convention (respectively in Article 126, paragraph 1, and Article 129).

- expressed its appreciation of Italy's work in funding and organising the 1996 European Prize for architects of sports facilities (3rd edition), its satisfaction with its development and adopted the Regulations concerning the competition, (T-RV (95) Inf 1 rev).

- under the terms of its revised Rules of Procedure, unanimously elected Mr Roland CHATARD (France) to serve as second Vice-Chair, and decided that exceptionally his term of office would be for one year, until the election of the Chair and first Vice-Chair at its 16th meeting in 1996.

- invited the Secretariat, in consultation with the Chair, to fix a date for its 16th meeting, preferably in England (6-7 June), once the arrangements for Euro '96 were confirmed by the United Kingdom authorities.

RULES OF PROCEDURE OF THE STANDING COMMITTEE

(Adopted at its 15th meeting on 22-23 June 1995)

The Standing Committee,

Having regard to the entry into force on 1st November 1985 of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches,

Having regard to Articles 8 to 11 of the Convention,

Adopts the present Rules of Procedure:

Preliminary Article

For the purpose of the Rules of Procedure, the following definitions are used:

- "Convention" means the European Convention on Spectator Violence and Misbehaviour at sports events and in particular at football matches;
- "Committee" means the Standing Committee of the Convention;
- "Delegate" means the representative of a Party to the Convention;
- "Observer" means the observer of a member State of the Council of Europe or other State party to the European Cultural Convention which has not ratified the Convention, or of any State or sports organisation invited by the Committee according to Article 8.4 of the Convention;
- "Votes cast" means the votes of the delegates voting for or against; delegates abstaining on a vote are considered as not having cast a vote.

Section I : Procedure in General

Article 1

Appointment of Delegates

1 One or more Delegates shall be appointed to the Committee by the Government of each Party, which shall communicate their names, addresses and working language to the Secretary General of the Council of Europe, whenever possible at least one month before the date fixed for the opening of the meeting. In the case of multi-member delegations, Governments shall indicate the head of the delegation.

2 Each delegate shall retain office until the Government or the delegate concerned has notified the Secretary General that the delegate has been replaced.

3 A delegate may be accompanied by one or more experts.

4 The provisions of this Article shall apply mutatis mutandis to observers.

Article 2

Observers

1 An observer shall have no right to vote.

2 With the permission of the Chair, an observer may make oral or written statements on the subjects under discussion.

Article 3

Meetings

1 The Committee shall meet at least once a year. The dates of meetings shall be fixed by the Committee in consultation with the Secretary General.

2 Whenever a majority of the Parties requests the Committee to be convened according to Article 8.5 of the Convention, the Secretary General may fix the date of the meeting in consultation, if possible, with the Chair of the Committee.

3 When a meeting has been convened, any request for postponement must reach the Secretary General at least two weeks before the date previously fixed for the opening of the meeting. A decision in favour of postponement shall be considered as having been taken when a majority of the delegates shall have notified the Secretary General of their agreement seven days before the date previously fixed.

4 In general meetings shall be held at the seat of the Council of Europe at Strasbourg.

Article 4

Convocation

1 Meetings of the Committee shall be convened by letter addressed by the Secretary General to the delegates and to the observers. Whenever there is a vacancy on the Committee, the letter of convocation shall be addressed to the Government concerned.

2 A copy of the letter of convocation addressed to the delegates and observers shall be sent to the Governments of the member States and of the other States Party to the European Cultural Convention.

3 Letters of convocation shall, in general, be sent at least two months before the date fixed for the opening of the meeting.

Article 5

Officers

1 The holder of the office of the Chair shall be elected for a term of two years, by a majority of the votes cast. He or she shall be eligible for re-election for one more term of two years.

2 He or she shall be assisted by two Vice-Chairs, elected for the same term and in the same way.

3 Elections shall be held at the end of the last meeting which precedes the expiry of the terms of office concerned.

4 The holder of the office of Chair shall direct the work of the Committee and preside at its meetings.

5 The holder of the office of Chair shall retain the right to participate in the discussions of the Committee and to vote.

6 If the holder of the office of Chair is absent or prevented from chairing, he or she shall be replaced by the senior Vice-Chair, or in his/her absence, the junior Vice-Chair. If none of these persons is able to carry out their duties, the Committee shall designate one of its members to take the Chair in an acting capacity.

7 Should any of the above offices fall vacant before the completion of the relevant terms of office, the Committee shall decide whether to hold an election for the vacant post at the beginning of its next meeting. Any person so elected shall complete the term of office of his or her predecessor.

Article 6

Secretariat

1 The Secretary General or his/her representative may at any time make an oral or written statement on any matter under consideration.

2 The Secretary General shall provide the Committee with the necessary staff and facilities.

3 The Secretariat shall be responsible for the material preparation and distribution of the working documents to be examined by the Committee. Documents should normally be sent to delegates at least one month before the opening of the meeting.

Article 7

Agenda

The agenda shall be adopted at the beginning of each meeting on the basis of a draft prepared by the Secretariat and annexed to the letter of convocation.

Article 8

Languages

1 The official languages of the Committee shall be those of the Council of Europe.

2 Any delegate or observer may, however, use a language other than an official language, provided that his/her delegation provides for the interpretation into one of the official languages.

3 Documents to be considered by the Committee, written in a language other than the official languages, shall be accompanied by a translation into one of those languages.

Article 9

Privacy of Meetings

Meetings shall be held in private.

Article 10

Quorum

There shall be a quorum if a majority of the Parties are present.

Article 11

Voting

1 Each Party to the Convention shall have one vote.

2 The Committee shall take decisions on matters other than those mentioned in paragraphs 4 and 7 of Article 8 of the Convention by a majority of the votes cast.

3 In case of doubt as to what rule applies to the taking of any decision, the Committee shall decide by a two-thirds majority of votes cast.

Article 12

Reconsideration of a decision

When a decision has been taken on any particular matter, such matter shall not be re-opened except at the request of a delegate approved by a two-thirds majority of the votes cast.

Article 13

Decisions and Reports

1 The Secretariat shall prepare draft decisions which shall be adopted by the Committee at the end of each meeting.

2 The Secretariat shall prepare a draft report after each meeting which shall be considered as adopted unless objections are formulated within one month of the date of its circulation.

Section II: Miscellaneous Provisions

Article 14

Consultation with other organisations or with experts

1 The Committee may decide to invite intergovernmental or non-governmental organisations or bodies to appoint a person who will be available for consultation during a particular meeting or part of a meeting.

2 The Committee may, in liaison with the Secretary General, appoint a consultant expert to make a report on one or more particular matters.

Article 15

Meetings of groups of experts set up by virtue of Article 9.2 of the Convention

1 Experts for such meetings shall be nominated by the Committee.

2 Articles 5 to 14 of the present rules of procedure shall apply, where applicable, and *mutatis mutandis*, to such meetings.

Article 16

Amendments

1 These rules may be amended at any time.

2 Amendments shall be adopted by a two-thirds majority of the votes cast.

Work of the Monitoring Group of the Convention on Anti-Doping

6th Meeting
Strasbourg, 28-30 June 1995

List of items discussed and decisions taken

The Monitoring Group of the Anti-Doping Convention held its 6th meeting in Strasbourg on 28-30 June 1995, with the participation of representatives of the International Olympic Committee and other sports bodies.

At the meeting, the T-DO, among other things:

- approved the report of its 5th meeting as contained in document T-DO (94) 15;
- was informed of the state of ratifications and signatures of the Convention;
- discussed co-operation between the relevant governmental and non-governmental bodies, including harmonisation of anti-doping rules.
- decided to invite its working parties, and particularly that on Technical Questions, to give consideration to the criteria that ought to be involved in accreditation of doping control programmes. This could take as a starting point the work being done by the Memorandum of Understanding Group.
- thanked the United Kingdom delegation for its work in compiling and producing the results of the Anti-doping Data Base Questionnaire, and invited it to repeat the exercise in respect of 1995 for the next meeting.
- reiterated its view that the Permanent World Conference on Doping is necessary, useful and valuable. It therefore instructed its Chair to set up a small group to study ways of finding possible partners for a 5th Conference, and pledged its support to the Brazilian authorities who had expressed an interest in organising it.
- approved the report of the meeting of the Co-ordinating Group held in London on 18 November 1994 as it appears in document T-DO (95) 6;
- heard reports from its Working Parties on Technical Questions, Research and Legal Issues;
- adopted the revised version of Recommendation 1/94 on Standard Urine Sampling Procedures, which had been revised by an ad hoc group of the Technical Questions Working Party (see Appendix) in order to make more specific provision for out-of-competition testing;
- approved the final report submitted by the French delegation on the co-ordinated research project on the interpretation of testosterone/ epitestosterone ratios (T-DO(95)10).
- entrusted its Chair with the task of consulting with the French authorities concerning the composition of an advisory group of senior scientists to be charged with making proposals concerning the organisational guidelines and terms of reference for a working party on science and noted that Germany was prepared to assume the Chair of such a working party at the appropriate time.

- discussed the proposal concerning a Recommendation on disciplinary measures to be taken with regard to members of the athlete's entourage in application of Article 7.2.e of the Convention (T-DO (95) 2 revised) but decided that it was not yet ready for adoption;

- heard presentations on the state of preparation of the Europack "Clean Sport Guide" and "Pocket Guide" and was informed of the proposals of the Education Working Party concerning the modalities of licensing and distribution of the material;

- was informed that following a Unesco initiative designed to draw its member States' attention to the Convention, interest had been expressed by Qatar, Senegal, the Maldives and Venezuela. The People's Republic of China was preparing an anti-doping law;

- instructed the Secretariat to contact the International Olympic Committee to enquire whether the Medical Commission had adopted a further new list of banned substances and methods in 1995, and to circulate any such list to States parties to the Convention for tacit adoption under the terms of Article 16 of the Rules of Procedure.

Recommendation No. 1/95 of the Monitoring Group of the Anti-Doping Convention to Parties, on Standard Urine Sampling Procedures for Doping Control in and out of Competition

The Monitoring Group of the Anti-Doping Convention, under the terms of Article 11.1.d of the Convention,

Whereas under Article 3 of the Anti-Doping Convention the Parties undertake to co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport;

Whereas in Article 7 of the Convention the Parties undertake to encourage their sports organisations to harmonise their doping control procedures;

Considering that common operating standards for control procedures would ensure a fair and equitable system for athletes;

Considering that such standards could also provide a firm basis upon which to build bilateral and multilateral agreements for doping control between countries;

Considering that this would also encourage other sports organisations and countries to seek common standards;

Convinced of the need to establish a standard system of urine sample collection;

Having studied the Sampling Procedures of the International Olympic Committee's Medical Code;

Having discussed this Recommendation with international and European sports organisations;

Having revised Recommendation No 1/94 adopted by the Monitoring Group in 1994, to include provision for standard urine sampling procedures for doping controls out of competition.

Recommends that Parties to the Anti-Doping Convention include, or where appropriate, strongly urge the national sports bodies concerned to include, in their Anti-Doping Regulations, the Standard Urine Sampling Procedures and annexes thereto appended to the present Recommendation.

APPENDIX

STANDARD URINE SAMPLING PROCEDURES FOR DOPING CONTROL IN AND OUT OF COMPETITION

INTRODUCTION

1. The Anti-Doping Convention requires Contracting Parties to encourage their sports organisations to harmonise their procedures for doping control. The aims of achieving harmonisation are many fold:

   - Common operating standards for testing procedures would ensure a fair and equitable system for all athletes.

     - It could lead to the establishment of an international system of sample collection.

     - Minimum operating standards could also provide a firm basis upon which to build bilateral and multilateral anti-doping agreements between countries.

     - Sports organisations and countries would be encouraged to seek common standards.

     - Countries would be able to guarantee a level of competence within these standards.

2. By operating to common standards, testing programmes organised by International Sports Federations, of national governing bodies and by national anti-doping organisations could be intercommunicated. Working together, these parties could create and develop a more effective system of doping control.

3. The Anti-Doping Convention invites Contracting Parties to coordinate their anti-doping policies and actions (Art. 3.1).[1] As suggested in Art. 3.2[2], a designated national authority or organisation (whether in the public sector or within the sports movement) with clearly defined roles and responsibilities could undertake the implementation of practical elements of the Convention. In essence, a national anti-doping organisation should be established so as to operate independently of but in association with individual sports federations, both national and international. Furthermore, to achieve harmonisation national governing bodies and International Sports Federations should try to make maximum use of the common testing services offered by the national anti-doping organisation.

4. These Standard Sampling Procedures should be followed as far as is reasonably practicable in each case. A minor departure from them shall not invalidate the possible finding of a prohibited substance during analysis. Only a departure which reasonably casts doubt upon the validity of a positive analysis will be entertained.

5. These Standard Sampling Procedures apply only to the collection of urine samples.

SAMPLING PROCEDURES

1. SAMPLE COLLECTION TEAMS

1.1. Sample collection should be carried out by qualified staff[3] (hereafter called "doping control officers") properly trained and duly authorised. When recruited by the national anti-doping organisation (or agency or body; hereafter called "organisation"), these officials should be independent of the sport in which they are testing and from the persons being tested, though they should be familiar with the sport and its rules.

1.2. National anti-doping organisations should undertake training of appropriate individuals using a curriculum based on the procedures which follow.

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[1] 3.1. The Parties shall co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport.

[2] 3.2. They shall ensure that there is practical application of this Convention, and in particular that the requirements under Article 7 are met, by entrusting, where appropriate, the implementation of some of the provisions of this Convention to a designated governmental or non-governmental sports authority or to a sports organisation.

[3] including independent sampling officers and medically qualified experts

1.3. Wherever possible a sample collection team should consist of a minimum of 2 doping control officers. In appointing the team to collect urine samples, the sex of the athlete(s) should be taken into account.

1.4. Doping control officers should carry an identity card issued by the national anti-doping organisation or international federation. In addition each doping control officer should have written authorization from the national anti-doping organisation or from the international federation to carry out the controls.

2. SELECTION PROCEDURES

2.1. In Competition

At competitions, the doping control officer and/or national anti-doping organisation is responsible for the selection of athletes. However, where the competition regulations of the relevant sports federation so require, this selection or pre-selection shall be made in conjunction with and in the presence of the nominated representative of that federation.

2.2. Out of Competition

Individual athletes may also be selected for out of competition testing at any time, in accordance with national procedures and/or International Federation regulations. The testing procedures may be initiated with no or little notice at any appropriate time. Controls shall be conducted in a way which is equitable for all sportsmen and sportswomen and which includes testing and retesting of persons selected, where appropriate, on a random basis.

3. NOTIFICATION AND DOPING CONTROL FORM

3.1. General

3.1.1. The doping control officer (or nominated representative of the Federation, or a person designated by the national anti-doping organisation) may notify the athlete in writing or orally. Oral notification must be confirmed in writing. The date and time of notification shall be noted on the Doping Control Form (DCF: Annex B2). The athlete should sign this form to acknowledge receipt of the notice as soon as the notice is presented.

3.1.2. The athlete's identification data shall be included on the form, together with advice that and/or conditions under which he/she may be accompanied to the Doping Control Station by a person of his/her choosing.

3.1.3. The possible consequences of failing to report for the control or for refusing to provide a sample (ie such failure or refusal being deemed to be equivalent to a positive result) shall be clearly stated on the notification form (cf. 8, 9 and 10 below).[4]

3.2. Procedure for notification of controls - in competition

3.2.1. Notification of the doping control test should normally take place immediately after the athlete has finished competing.

3.2.2. Notification and sample collection may be made earlier if appropriate. For example, in sports involving weight classes, testing may also take place at the time of the weigh-in.

3.3. PROCEDURE FOR NOTIFICATION OF CONTROLS - OUT OF COMPETITION

3.3.1. ONCE LIABLE FOR TESTING, ATHLETES MAY BE NOTIFIED AT ANY APPROPRIATE TIME THAT THEY ARE REQUIRED TO PROVIDE A URINE SAMPLE.

3.3.2. THE SAMPLE SHOULD BE COLLECTED AT THE EARLIEST OPPORTUNITY (24 HOURS BETWEEN NOTIFICATION AND COLLECTION SHOULD BE CONSIDERED A MAXIMUM).

3.3.3. FOLLOWING NOTIFICATION, EVERY EFFORT SHOULD BE MADE TO CHAPERONE THE ATHLETE UNTIL THE SAMPLE HAS BEEN PROVIDED.

4. REPORTING FOR SAMPLE COLLECTIONS

4.1. General

4.1.1. The athlete may if so wished be accompanied to the Doping Control Station by a person of his/her choice (see 3.2.), provided this person is accessible and available within the time limit specified.

4.1.2. The date and time of reporting, together with the means of identification should be recorded on the Doping Control Form. Appropriate details relating to the accompanying person should also be noted.

4.1.3. Failure to report to the Doping Control Station within the agreed time limit shall be recorded and reported to the responsible authority for consideration.

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[4] In order to keep the form manageable, any additional information which may be given should be put on a separate sheet attached to the form.

4.1.4. Provision may be made for keeping the athlete under observation (escort, chaperone) between notification and reporting.

4.2. In Competition

4.2.1. At competitions, an athlete must report to the Doping Control Station at the time indicated on the notification (usually as soon as possible, and no later than one hour after notification).

4.2.2. At the request of the athlete and where there is good reason to do so[5], the doping control officer or authorised representative may authorise a delay (for example, 60 minutes) in the reporting time. In such cases, the athlete will be kept under observation during this period.

4.3. OUT OF COMPETITION

4.3.1. WHEN PROVIDING A NO NOTICE SAMPLE, ATHLETES WILL BE KEPT UNDER OBSERVATION AND WILL BE REQUIRED TO PROVIDE A SAMPLE AS SOON AS PRACTICALLY POSSIBLE.

4.3.2. WHEN PROVIDING A SHORT NOTICE SAMPLE OUT OF COMPETITION, ATHLETES WILL BE REQUIRED TO REPORT TO THE DOPING CONTROL OFFICER AT A TIME AND PLACE MUTUALLY ESTABLISHED, WITHIN THE TIME ALLOWED AFTER NOTIFICATION.

5. PREMISES FOR DOPING CONTROL

5.1. General

5.1.1. Privacy and security should be maintained at all times at the place where the sample is collected.

5.1.2. Only one athlete at a time should be called to the area in which urine is to be provided. When the sample is passed, only the D.C.O. or other qualified person shall be present, except in specific circumstances provided for in the regulations.

5.1.3. Photographs etc should not be taken during doping control procedures, unless they are required for official identification purposes.

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[5] For example, presence required to attend a victory ceremony or press conference; to warm down; to receive treatment for an injury.

5.2. In Competition

5.2.1. At competitions, an area should be specifically designated for doping control as close as possible to the competition/training area. Sports federations are advised to include provision for adequate premises in their requirements for facilities at major competitions.

5.2.2. Ideally the doping control premises should comprise a separate waiting and administration area adjacent to toilet facilities for the collection of samples (example attached at Annex A).

5.2.3. The following persons should be authorised to attend the Doping Control Station:

The athlete, an accompanying person, members of the sampling team and nominated representatives of the international and/or national federations, and, if required, an interpreter.

The chief doping control officer should authorise any additional presence.

5.3. OUT OF COMPETITION

5.3.1. SAMPLE COLLECTION SHOULD BE MADE IN AS A DISCRETE A WAY AS POSSIBLE, WHETHER IN A SPORTS FACILITY, TRAINING CENTRE, ATHLETE'S HOME, OR WHEREVER THE MUTUALLY ESTABLISHED RENDEZVOUS MAY BE (SEE 4.2.2.).

6. SAMPLE COLLECTION PROCEDURES

6.1. The sampling equipment used (see Annex B.1) must be able to guarantee the unique identification, security and integrity of the urine samples collected.

6.2. Sample collection procedures must be explained to the athlete.

6.3. When ready to provide a urine sample, the athlete will select a collection vessel (individually sealed) and shall urinate into it under the direct observation of the doping control officer or other designated person. A minimum volume of 75 ml is usually required. The amount shall be indicated by the doping control officer (in accordance with the national or international federation requirements).

6.4. In order to avoid any manipulation, the doping control officer should require the athlete to remove sufficient clothing to provide the observer with an unobstructed view of the passing of the sample.

6.5. a. The athlete shall select a pair of (pre-sealed) bottles or bottle containers and individual code numbers and break the seal to obtain the bottles.

b. Approximately $^2/_3$rds of the urine sample will be poured into the first bottle and approximately $^1/_3$rd into the second bottle.

c. Both bottles will be closed, sealed and coded with a unique identification method.

Either the athlete or, at his/her request, the doping control officer may carry out the procedures under b & c.

d. The codes of the bottles will be recorded on the Doping Control Form and cross-checked by the doping control officer, by the athlete and by any accompanying person.

6.6. If required by the international or national Federation, the specific gravity and pH of the urine will be measured using a residual volume of urine in the collection vessel. Details of the measurements should be recorded on the Doping Control Form. If the sample does not meet the relevant specifications, a further sample may be required.

Partial sample:

6.7. If insufficient urine has been provided by the athlete, the partial sample shall be poured into a bottle (as in 6.5 above). The bottle shall be closed, sealed and coded. The code shall be recorded on the Doping Control Form (or on a separate form provided for that purpose; cf. Annex B.2 § 15). The athlete must remain under the observation of a member of the doping control officer team until further urine has been provided and the sample collection procedures are complete.

6.8. When the athlete is ready to provide more urine, a further collection vessel should be selected by the athlete and the sample should be provided under the observation of the doping control officer. The doping control officer should check the seal number on the bottle against the codes previously recorded (before breaking the seal to open the bottle). The urine collected from the second collection shall be added to the urine collected from the first collection and the total volume checked. Once the required volume has been provided the procedures will continue as from 6.5. above. Otherwise the sealing of the sample as in 6.7. will continue until the required volume has been obtained.

Declaration of Medications:

6.9. The athlete shall be advised by the doping control officer that it is in his/her own interest to declare any medication or other substance taken in the relevant period prior to the control, the length of this period being specified in accordance with national/international regulations. The declaration should be recorded on the Doping Control Form by the athlete or the doping control officer. If the athlete declines to make a declaration, this shall be recorded on the Doping Control Form.

Such information must be treated in the strictest confidence by all who have access to it.

(With a view to respecting the athlete's privacy, anti-doping organisations might consider entering the declaration on a separate, sealable annex to the Doping Control Form, which would be opened only if the sample gives rise to a positive finding.)

Completion of the Doping Control Form

6.10. The Doping Control Form will be completed by the doping control officer. Details relating to the athlete and sample identification data should be recorded and cross-checked by the athlete and by the doping control officer. If measured, the pH and specific gravity to the sample shall also be recorded (cf. 6.6.).

6.11 The athlete shall certify the accuracy of the information and correctness of procedures used by signing the Doping Control Form which should also be signed by the doping control officer. Additional signatures may be required if specified in national and international regulations.

6.12 Any reason for dissatisfaction identified by either party should be declared on the Doping Control Form before or at the time of signature. Standard Sampling Procedures should be followed as far as is reasonably practicable in each case. A minor departure from them shall not necessarily invalidate the possible finding of a prohibited substance during analysis. Only a departure which reasonably casts doubt upon the validity of a positive analysis will be entertained. A statement to this effect shall be included on the Doping Control Form and shall be drawn to the attention of the athlete prior to signature.

6.13 Copies of the Doping Control Form shall be available for:

6.13.1. the athlete;
6.13.2. the national anti-doping organisation;
6.13.3. the laboratory (with no information on the name or identification details of the athlete and accompanying representative);
6.13.4. the national sports federation where appropriate;
6.13.5. the international sports federation, where appropriate.

Chain of Custody: (Annex C1 and C2)

6.14. At the site of collection, samples should be securely packed for transport in a container which is then sealed. A chain of custody form should be used to record the contents and custody of the equipment in the container from the site of collection to the laboratory.

7. TRANSFER OF SAMPLES TO THE LABORATORY

7.1. All samples shall be sent to the laboratory by a method of despatch which is secure and which has been approved by the national anti-doping organisation.

7.2. Despatch shall take place as soon as reasonably possible after the controls have been completed. Samples must be held in a cold and secure place until they can be delivered to the laboratory.

8. REFUSAL

A refusal by an athlete to agree to doping control procedures should be noted on the Doping Control Form. If possible, the signature of the athlete and/or a witness to the refusal should be obtained.

9. FAILURE TO REPORT

If an athlete fails to report for sample collection at the agreed time, this should be noted on the Doping Control Form. Wherever possible attempts to contact the athlete within a reasonable timescale (eg one hour) should be made and noted.

10. PENALTIES

In general, a refusal or failure to report or a refusal to provide a sample or otherwise to comply with these standard sampling procedures shall be deemed to be equivalent to a positive test.

ANNEX A

DOPING CONTROL STATION IN COMPETITION

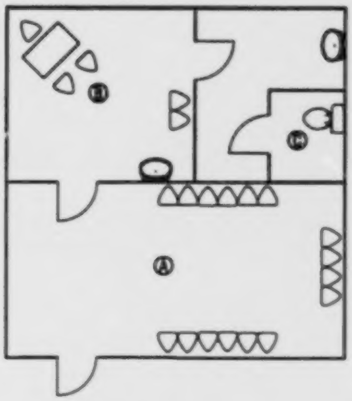
Facilities for Doping Control should provide privacy for competitors and security for the collection procedures. They should be situated close to the competition or training area. Access to the Doping Control Station is restricted to authorised personnel only (i.e. doping control officer, selected competitors and their accompanying officials, Federation Doping Control official). The entry door to the Doping Control Station must be secure.

Within the station three areas are required, a waiting area, administration area and an area for sample collection. (Ideally, there should be at least two inter-connecting rooms).

The waiting area should be equipped with chairs, clothes hangers and hooks, space for an adequate supply of non-alcoholic drinks (still and carbonated) in unopened containers and a rubbish bin. In addition reading materials, television or radio are helpful to create a relaxed atmosphere.

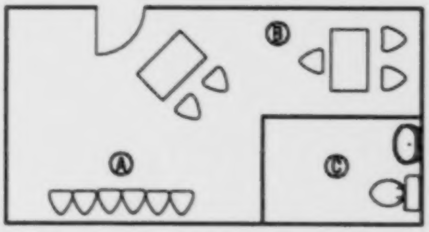
The administration area should contain table and chairs, wash basin, soap and towels. At major events involving sample collection over several days, a lockable freezer or refrigerator for storage of samples is useful. At least one W.C. is required in the sample collection area and separate sample collection areas should be provided for each sex being tested. Sufficient space is needed to accomodate the doping control officer and competitor in this area.

An Ideal Station



A Waiting Room
B Administration Room
C Sample Collection Room

An Alternative Arrangement



A Waiting Room
B Administration Room
C Sample Collection Room

ANNEX B1

SAMPLING EQUIPMENT

1. Sampling equipment which is approved by national anti-doping organisations should include the following:

    1.1. Disposable urine collection vessels, individually sealed prior to use.

    1.2. Transparent bottles (of sufficient volume to ensure the total quantity of urine could be contained in 1 bottle, ie when collecting partial samples prior to sub-division), sealed prior to use.

    1.3. A unique sealing system which secures the bottles during transit and storage.

    1.4. Doping Control Forms to record identifying details for the samples, athlete and collection procedure. This form should consist of an original with 4 copies:

        1.4.1. the athlete;
        1.4.2. the national anti-doping organisation;
        1.4.3. the laboratory (with no information on the name or identification details of the athlete and accompanying representative);
        1.4.4. the national sports federation where appropriate;
        1.4.5. the international sports federation, where appropriate.

    Copies should be clearly indicated and differentiated by colour.

    A checklist of the information required is attached at Annex B2

    1.5. A secure container for transporting the sample bottles to and from the laboratory.

    1.6. Measurement sticks for pH and specific gravity.

    1.7. Chain of custody form(s).

2. There should be sufficient numbers of collection vessels, bottles and codes to allow the athlete to choose, provision for possible faulty equipment, breakages; provision for partial and second samples.

ANNEX B2

DOPING CONTROL FORM/S

The Doping Control Form or Forms (for notification and for the collection procedure) should provide space for the following information:

Athlete's details:

1. Athlete's name
2. Sport
3. Country
4. Identification

Control details:

In competition Y/N
OUT OF COMPETITION Y/N

Event/Team/Competition

Notification details and consequences of refusal, etc:

5. Notification Date and Place
6. Notification Time
7. Signature of doping control officer (for notification)
8. Name of doping control officer
9. Signature of Athlete
10. Consequences of refusal (para 3.3)
    "Failure to report for doping control and refusal to provide a sample are deemed to be equivalent to a positive result".
11. Procedural objections waiver (para 6.12)
    "Standard Sampling Procedures should be followed as far as is reasonably practicable in each case. A minor departure from them shall not necessarily invalidate the possible finding of a prohibited substance during analysis. Only a departure which reasonably casts doubt upon the validity of a positive analysis will be entertained".

Collection Procedure details:
(repeat information under 5 & 6 if two forms are used)

12. Date and Place of Sample Collection
13. Time of Arrival at Doping Control Station
14. Event Code if at competition
15. Sex of Athlete
16. Total Volume of Urine
17. Partial Sample Seal Numbers (if taken)
18. Bottle Code A/B
19. Seal Numbers A/B
20. pH reading (if taken)
21. Specific gravity reading (if taken)

22. Declaration of Medications (see para 6.9)
    "...it is in his/her own interest to declare any medication or other substance taken in the relevant period prior to the control, the length of this period being specified in accordance with national/international regulations".
23. Comments
24. Signature of Athlete
25. Signature of doping control officer (to certify procedures correct)
26. Signature of International Representative (if present)
27. Signatures of Accompanying Official and Person (if present)

RECOMMENDATION

A standard form with a consistent colour scheme should be used (for distribution of copies, cf. Annex B1, item 1.4).

ANNEX C1

CHAIN OF CUSTODY

1. There should be a secure and documented chain of custody for the transport of sampling equipment from the despatch of the prepared equipment to the doping control officer and from the doping control officer to the laboratory. If the doping control officer opens the transport container on receipt to check the contents, the sample equipment within must remain sealed. The transport container should be resealed and the code noted.

2. Equipment (see Annex B 1, 1.1 - 1.3) should be received (by the doping control officer and the athlete) sealed.

3. Once the equipment has been used, it should be sealed in a manner distinct from the first sealing system (ie by colour/design or other means).

4. There should be restricted access to both types of seals. The first seals (from the organisation preparing the kit to the doping control officer) should not be available outside the organisation. A secure method of ordering, delivery and storage of the seals should be implemented, and the organisation should maintain an inventory of issue.

5. A copy of the chain of custody form should be sealed inside the kit.

   Prepared -> doping control officer   doping control officer -> Laboratory

6. The chain of custody form should include the following information:

   6.1. Control code number
   6.2. Week number/date
   6.3. Number of samples collected, A and B bottle
   6.4. **Competition (event code)** or OUT OF COMPETITION
   6.5. Sport/Federation
   6.6. Outer bag seal number on despatch - sealed by
   6.7. Outer bag seal number on receipt - received by
   6.8. Outer bag seal number on return - sealed by
   6.9. Sampling Kit custody details:
      6.9.1. seal numbers
      6.9.2. released by
      6.9.3. received by
      6.9.4. purpose
      6.9.5. date/time
   6.10. Bottle numbers (seal numbers indicate bottle contains urine)

An example is attached at Annex C2

7. Completion of the form:

7.1. On dispatch from the organisation responsible for preparing the kit, the date, seal number for transport and details of equipment enclosed in the transport container should be noted.

7.2. On initial receipt, the breaking and re-sealing of the transport container by the doping control officer (or any official body, eg customs, security) should be noted and signed.

7.3. The seal of the transport container should be broken at the collection point in the presence of witnesses (doping control officer, athlete or governing body official).

7.4. The bottle and seal numbers of all samples enclosed in the transport container should be noted on the form together with the seal number for the transport bag itself. A copy of the form must be enclosed.

7.5. Changes in custody of the transport container during transfer to the laboratory must be noted by signature acknowledging the seal number recorded to be correct.

7.6. Any further breaking and resealing of the transport container must be also noted and agreed by signature (eg by an official of Customs or security)

7.7. The chain of custody form may be photocopied and the copy given to signatories, the original should continue to accompany the transport container until its acceptance by:

7.7.1. the laboratory;
7.7.2. an official carrier which operates its own chain of custody documentation, with signature required for transfer of ownership

7.8. The original chain of custody form should then be returned to the authority initiating the control, who will have responsibility for checking the chain of custody is complete before forwarding a report of the analysis of the governing body/athlete. In the laboratory report of the analysis, it is suggested that date, time and seal numbers are noted.

ANNEX C2

DOPING CONTROL

SAMPLE COLLECTION - CHAIN OF CUSTODY FORM

The sampling kit sealed as below contains urine samples collected from sports men/women as a part of a programme of doping control. These samples are of no commercial value. They are being transported to an International Olympic Committee accredited Laboratory for analysis. The urine samples have been collected and sealed at the place of collection. Maintenance of the chain of custody is essential to ensure the security and integrity of the urine samples. When custody of the sampling kit is transferred confirmation of receipt to the sealed container must be obtained by signature of the receiving party. A photocopy of this form should be retained as written receipt. If inspection of the sampling kit is required by Customs and Excise or other authority, acknowledgement of the sealing process by the inspecting authority will assist the maintenance of this chain of custody. Opening of the inner containers will invalidate the chain of custody unless appropriate record is appended which is recognised in a court of law. For further information about the contents of the sampling kit please contact: ....

1 Event Code:

2 No of samples collected:
A B

3 Outer bag seal number from Laboratory: ☐ Sealed by ____________

4 Tick box as appropriate
Competition ☐ OOCT ☐

5 Sport / Federation:

6 Outer bag Seal number:
On receipt ☐ Received by ________

7
On return ☐ Sealed by ________

8 Sampling kit custody details:

Seal numbers	Released by	Received by	Purpose	Date/Time
☐	____________	____________	____________	____________
☐	____________	____________	____________	____________
☐	____________	____________	____________	____________
☐	____________	____________	____________	____________
☐	____________	____________	____________	____________

9 Bottle numbers enclosed (seal number indicates bottle contains urine sample)

A	☐	B	☐	A	☐	B	☐
A	☐	B	☐	A	☐	B	☐
A	☐	B	☐	A	☐	B	☐
A	☐	B	☐	A	☐	B	☐

'Europack'

'Clean sport, an education and information guide on sport without doping' is a product of the members of the Education Working Party of the Monitoring Group of the Anti-doping Convention concluded within the Council of Europe. The European Union, the Council of Europe and several of their member states (....) funded this important project on education and information.[1]

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[1] **The Clean Sport Guide Guide (c. one hundred pages) is published in loose-leaf form.**

Part Four

Conference of European Ministers responsible for Sport

(Lisbon, 17-18 May 1995)

Texts Adopted (see also texts subsequently adopted by the Committee of Ministers under Part One)

Resolution on Tolerance and Sport

The European Ministers responsible for Sport, meeting in Lisbon at their 8th Conference on 17 and 18 May 1995,

Recalling the past work of the Council of Europe on the universality of sport and the need to keep sport free of discrimination in all its forms, and in particular:

- Committee of Ministers' Resolution (76) 41 on the principles for a Policy on Sport for All, and particularly Article I of the Appendix which states that "every individual shall have the right to participate in sport";

- Their own Resolution on Sport in Society, adopted at their 2nd Conference (London, 1978), in which they emphasised "their opposition to discrimination in sport based on race, religion, politics or any other criterion ...";

- Their Resolution on Sport for Immigrants, adopted at their 3rd Conference (Palma de Majorca, 1981), in which they expressed their conviction "that sport is important as a means of bringing about greater participation in the life of the host country", and their concern "to see the principles of sport for all applied to everybody, in particular to the least privileged groups", and considered "that it is the duty of all to combat, by every available means ... those factors that have an adverse effect on immigrants' participation in sport in the society where they have settled";

- Their Resolution on Sport for socially under-privileged and marginal groups, adopted at their 4th Conference (Malta, 1984);

- Their Resolutions on apartheid in sport, adopted at their 5th and 6th Conferences (Dublin, 1986 and Reykjavik, 1989) and whilst expressing their profound satisfaction that apartheid is no longer practised in South Africa, maintaining that the principles should apply wherever discrimination of any kind is imposed;

- The European Sports Charter and Code of Sports Ethics (Committee of Ministers' Recommendations Nos. R(92)13 and R(92)14; and in particular Article 4 of the European Sports Charter;

- The work of the Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches on racial and xenophobic abuse and discrimination at football matches;

- The considerable work of the Committee for the Development of Sport on ways in which sport can give disadvantaged groups more opportunities to participate in and integrate with society;

Referring to the Plan of Action against racism, xenophobia, antisemitism and intolerance adopted by the Summit of Heads of State and Government of the member States of the Council of Europe (Vienna, October 1993), which requires all sectors of the Organisation to be mobilised in the struggle against these unacceptable phenomena;

Deploring the fact that some forms of sport have so often provided a pretext for outbreaks of intolerance and violence, sometimes racist or xenophobic in character;

Confident nonetheless of the vast potential sport offers as a ground for intercultural encounters and understanding, as a workshop for socialisation and integration - particularly for disadvantaged groups - and as a school for democracy;

Considering that for this reason the Committee for the Development of Sport and the Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports events and in particular at Football Matches can, in their respective spheres, contribute significantly to the implementation of the Action Plan by reinforcing the main axes of their work:

- non-discrimination in sport, and access to it for all,

- the repudiation of, and fight against, violence and the climate that engenders it,

- sport as a factor in socialisation and integration,

- sport as a school of democracy and civic values;

Taking account of sport's potential, in particular through the intense media coverage which brings it to a broad and enthusiastic public, to project the image of team spirit and solidarity and to promote mutual understanding and respect;

Emphasising that well-known teams and sports stars have a particular responsibility because they represent role-models, especially for the young,

1. Declare their support for the Plan of Action and the European Youth Campaign against racism, xenophobia, antisemitism and intolerance, and in this context welcome the proposal by the Netherlands Minister to organise a major meeting/manifestation with the participation of young sports people, sporting personalities, the mass media, and those with public responsibilities, to demonstrate the commitment of those involved in sport to the fight against intolerance.

2. Undertake, at national level:

   - to participate in the European Youth Campaign against racism, xenophobia, antisemitism and intolerance by stepping up the contribution of the sports sector, in particular through campaigns aimed at raising awareness and changing behaviour;

   - to develop even further the practice of sport by improving sports facilities, particularly in districts where intolerance poses a particular problem, in co-operation, where appropriate, with the competent sport organisations;

   - to encourage training for sports teachers, trainers and organisers on the fight against racism and intolerance.

3. Invite the Committee of Ministers:

- to ask the CDDS, in furtherance of its commitment to tolerance in and through sport:
    - to encourage the development of activities concerning sport as a school for democratic ideals and to intensify its work on sport as a medium for social participation and integration as shown in the European Manifesto on Young People and Sport and the Declaration on the Significance of Sport for Society also adopted at the present Conference;
    - to study, in co-operation with the Steering Committee on the Mass Media (CDMM), the potential contribution of the media in helping to promote tolerance through sport;
    - to support the meeting on tolerance through sport to be organised by the Netherlands government.

4. Ask the Standing Committee of the European Convention on Spectator Violence:

- to intensify that part of its work which is devoted to the struggle against all forms of discrimination and intolerance in sport and to draw up a plan of action to this end;
- to develop means of monitoring, in cooperation with the other partners concerned, the implementation of measures designed to combat discrimination and incitement to hatred and violence associated with some sport events;
- to study what other means may be opportune to ensure that sports events take place peacefully and in a sporting spirit based on mutual respect by all concerned.

Resolution on European Sports Cooperation

The European Ministers responsible for Sport, meeting in Lisbon at their 8th Conference on 17 and 18 May 1995,

Thanking the Committee for the Development of Sport, the Standing Committee of the European Convention on Spectator Violence, and the Monitoring Group of the Anti-Doping Convention for their substantial contributions to the development of European Sports Cooperation and the aims of the Council of Europe since their last Conference in Rhodes in 1992,

Affirming that sport plays a fundamental role in modern society, and that it is therefore integral to the achievement of the social progress enshrined in the statute of the Council of Europe,

Invite the Committee of Ministers, in the light of the texts adopted at this Conference, to ask the CDDS

- to intensify its activities based on the European Sports Charter (R(92)13) and the Code of Sports Ethics (R(92) 14);

- to study appropriate ways of promoting voluntary work in sport and of helping everybody to have access to sports activities;

- to study ways of protecting sport from the negative effects of over commercialisation and media hype in some sports;

Decide to give high priority to the efficient application of the European Convention on Spectator Violence and the Anti-Doping Convention;

Note the invitation of the Cypriot Government to organise an Informal Meeting of Sports Ministers in 1996 or 1997 on the theme: "Sport and the Law";

Agree to meet, at the invitation of the Government of Slovakia, for their 9th Conference in 1998 or 1999, with an agenda reflecting the concerns of this Resolution;

Thank the Portuguese authorities for the organisation of this Conference and for their kind hospitality during it.

Part Five

A Sport and Physical Education for Children and Young People "Lisbon Manifesto"

See European Manifesto for Sport and Young People as adopted by the Committee of Ministers in Part One.

B Sports Facilities

Sports Facilities Management Seminar
9 - 12 February 1995, Edinburgh

Report by Ivor Davies, Seminar Director

Introduction

1. The Scottish Sports Council staged a seminar on the management of facilities for Sport for All in Edinburgh, Scotland, 9-12 February 1995, under the SPRINT Programme of the Committee for the Development of Sport (CDDS) of the Council of Europe (CoE).

2. This paper describes the background to the Seminar and its format, content and main findings.

Background

Antecedents

3. The seminar was part of a much broader programme of co-operation between countries in Europe with well-developed opportunities for general participation in sport and those, notably in Eastern and Central Europe, which are developing more opportunities for their citizens to take part in sport.

4. In particular it followed on from a similar seminar staged in Scotland in February 1993 and one more recently held in Romania (September 1994).

Support

5. CDDS and The Sports Council (GB) provided financial support for the Seminar which was designed, organised and (mainly) presented by the Scottish Sports Council.

6. Thirty-six delegates from 16 countries in Eastern and Central Europe participated. Several of them had also participated in the earlier Edinburgh and Romania seminars.

The Seminar

Preparation

7. In order to ensure maximum relevance, countries invited to participate were asked to submit in advance an issue or problem affecting the development of sport in their own country and to identify the resources available to address it.

8. The Seminar programme was based on the submissions received by early December 1994.

Seminar Format

9. In order to ensure maximum delegate participation and involvement each of the subject areas selected was covered in the following way:

   9.1 Explanation of Problem/Issue: Plenary/Delegate.

9.2 Principles of a Solution: Plenary/Topic Presenter.

9.3 Analysis: Work Groups, Topic Leaders and Delegates.

9.4 Report Back: Plenary, Rapporteurs.

9.5 Summary: by subsequent written report, Topic Presenters.

10. Outlines of the issues and the presentations were collated in a workbook available at the beginning of the Seminar.

Study Visits

11. Additionally, delegates visited a converted and extended building (first constructed in 1909) which now serves as a high throughput leisure centre; a purpose-designed leisure centre; and a local voluntary multi-sport club.

Seminar Topics

12. The Seminar topics were as follows:

12.1 Problems and Successful Developments in Delegates' Countries.

12.2 Management and Managers.

12.3 Funding Sport for All.

12.4 Sponsorships.

12.5 Marketing.

12.6 Sports Club Management.

12.7 Strategic Management.

Problems and Successful Developments

13. All of the Eastern and Central European states are experiencing economic difficulties in the transition from central command economies to market-based economies and in the cultural transition to individuals and communities becoming more responsible for themselves rather than following central directions and relying on state support.

14. Central funding for sports federations and elite sports clubs is declining and some high profile sports are making up some of the loss through sponsorship.

15. In the circumstances it is difficult to fund the development of sports facilities and sports programmes for the whole population. Indeed some existing sports facilities are being privatised or simply sold off for other purposes. Available sports facilities are in need of upgrading and the supply of sports facilities falls far short of the total needed to allow a raising of participation from levels typically at 20%.

16. Part of the answer lies in the development of sports legislation or laws which allocate responsibilities for action and funding between central and local government. Part of the answer also may be in legislation which creates sponsorship and allocates proceeds to sport for all; and in legislation which promotes sponsorship of sport for all, perhaps through matching finance from the state and commercial companies.

Management and Managers

17. The plenary session considered the management process and the role of managers; the structure of management and recent characteristics of management restructuring; management functions at different levels and styles of management.

18. The session then applied general management functions to sports facilities, in principle and in practice. It concluded by examining the development of sports facility managers in formal education and in vocational training in the workplace.

Funding Sport for All

19. The plenary session examined in some detail the problem based on Romania's situation. There is a lack of basic facilities and difficulty in making existing facility-based clubs more accessible to the general population. There is a shortage of volunteers because people are having to work long hours in order to make a basic living; and there is a shortage of qualified leaders and coaches with professional and management skills to work on sport for all programmes.

20. The plenary session considered the principles of a solution. This involved clarifying Sport for All. It did not mean the former directed mass participation but covered a free expression, non-rules-based set of physical activities: enjoyable rules-based sport for the community; and purposeful participation in rules-based sport. It considered the necessity to start in small areas and achieve success in them and to build on success by moving to wider areas. Schools might form useful starting points and parents may be the first volunteer sports leaders. Using available resources, such as designated streets as play streets, might also be a way of starting. In some countries, focusing on traditional physical activities might form the bases of a sport for all movement.

Sponsorship

21. The crucial role of developing sponsorship to assist sport for all facilities and programmes was highlighted with reference to the situation in Moldova. Inability to fund provision from taxes and the inability of participants to pay meant that sponsorship was necessary to fill the gap.

22. The sponsorship manager of a major company in Scotland explained how the company set out its strategic business objectives and fitted the sponsoring of sport around them. This company sponsored high profile sports events and activities at community level. The following emerged as key issues: the necessity for long lead-in times; carefully assembled sports packages, personal approaches; reporting back to the company by the sport; and sport delivering what it promised to the company.

23. Delegates noted that international companies in their states were sponsoring less than they had two-to-three years earlier and that it was easier to obtain sponsorship for high-profile sports at national level than for minority sports or sport at local level.

24. Training for sports managers seeking sponsorship was vital and meanwhile government legislation which encouraged companies to sponsor sport at local level on a matching basis with public funds might fill a gap.

Marketing

25. The absence of the marketing of sports facilities and of opportunities to the general community was highlighted in terms of the situation in Poland.

26. The problem stemmed from the absence of marketing as a process in the former command economies and the difficulty of developing expertise in the discipline when there were no or few texts in delegates' own languages.

27. The plenary session stressed the need for good information on present markets as a basis for changing and improving services and reaching new markets. In all of this, managers have to put customers first and to understand their needs and satisfaction with the service.

Sports Club Management

28. The difficulties of establishing and developing local sports clubs were outlined against the background of the situation in Estonia. In particular, there is the issue of training voluntary managers, coaches and leaders necessary for a broad-based club structure.

29. The plenary session examined the principles of local sports club management; the constitution; membership open to all; responsibilities and freedom of members; committee structure; management functions; fund raising and expenditure controls; the relationship between voluntary office bearers and paid staff.

30. The workshops noted the absence of a cultural tradition of volunteering which prevailed over much of Eastern and Central Europe and examined ways in which existing sports clubs and schools might be adapted to enlarge the scope for Sport for All initiatives.

Strategic Management

31. The application for the principles of strategic planning were outlined with reference to recent activity in Estonia.

32. Stressed were the importance of a clear mission statement and its elaboration into objectives with plans on how to achieve them to set timescales. The techniques of stakeholder analysis and SWOT (Strengths, Weakness, Opportunities, Threats) analysis were examined. Securing commitment to an emerging strategy both within an organisation and outside it from other organisations whose support and assistance would be needed, is paramount. This gives them a stake in the strategy and may create their participation in its implementation.

33. The plenary session concluded by tracing the mechanism whereby a strategic plan was actioned inoperational terms, including the monitoring of progress, review and replanning as necessary. All of this encompassed the management of strategy, of people, of operations and of information; as well as style of management.

Seminar Review

34. Delegates reviewed the effectiveness of the seminar. They concluded that the content was appropriate and the balanced approach between presentations, group working and reporting back was about right. Particularly valuable was the design of the seminar based on real general and specific problems in delegates' home countries and the application of general principles to them. The study visits to facilities illustrated sport for all at work in municipal and voluntary club settings.

35. Delegates considered that they would have liked more time to view general aspects of life in Edinburgh; at least one extended problem-solving exercise of, say, 4-5 hours; and illustrations from other western European countries.

Sports Management Development

36. Delegates discussed how they would manage the development of sports management in their own countries, following up the SPRINT Seminar.

37. Plans included some or all of the following:

    37.1 Preparing and circulating a report on this seminar.

    37.2 Circulating this CDDS report.

    37.3 Staging one or more seminars.

    37.4 Preparing and circulating material developed as a product of the seminar.

    37.5 Training of immediate colleagues.

    37.6 Encouraging educational and training institutes to develop programmes in sports management.

    37.7 Repeating this seminar at several locations in Eastern and Central Europe.

    37.8 Repeating this seminar in Western Europe.

    37.9 Securing literature on sports management and translating it into the language of the individual countries.

Conclusions

38. The seminar revealed advances in the knowledge of sports management and the application of its principles since the first seminar in Scotland in 1993.

C *Promotion of Sport*

Eurofit test battery for the assessment of health-related fitness of adults - 1st international course for test leaders

TAMPERE, FINLAND 6-8 November 1995

COUNCIL OF EUROPE IN CONJUNCTION WITH THE FINNISH MINISTRY OF EDUCATION AND THE URHO KALEVA KEKKONEN INSTITUTE FOR HEALTH PROMOTION RESEARCH

Purpose

The purpose of the course was to provide its participants theoretical basis and practical skills for organisation, administering, conducting, teaching and counselling Eurofit health-related fitness tests.

Programme

The course programme provided lectures on foundations, rationale and structure of the adult Eurofit test battery and hands-on experience in conducting the fitness tests and interpreting their results. The programme followed closely the outline of the new Council of Europe's handbook "Eurofit for adults: Assessment of health-related fitness".

Participants

All CDDS member countries were invited to send a participant. As the course was part of the SPRINT programme participants from SPRINT countries were given preference. Due to the practical nature of the course a maximum limit of 30 participants was set. A total of 27 participants from 21 different countries participated in the course (20 SPRINT and 7 other experts). The Council of Europe bore the travel and course expenses and the Finnish Ministry of Education accommodation expenses for the SPRINT experts.

Faculty

The teaching language for the course was English. The teaching staff included 4 members from the Eurofit Coordinating Group. The course director, Mr Pekka Oja, PhD; Mr Willem Van Mechelen, MD; Mr Bill Tuxworth, MS; and Ms Aniko Barabas, PhD. Two interpreters performed simultaneous translation into French for French speaking participants during lectures and practical sessions of the course. In addition, the course secretary and 11 other members of the research and technical staff of the UKK Institute assisted in practical sessions of the course.

Experiences

The interest for the course exceeded availability of places on the course. The criteria on the ration between SPRINT and other experts was met. However, due to last minute cancellations the number of participants was reduced by three.

The main purpose of the course was met. Feedback from staff and participants suggested that most participants experienced that the course provided important and necessary foundations and practical skills for organisation, administering, conducting, teaching and counselling Eurofit health-related fitness tests in their own countries.

The faculty including the interpreters worked successfully in theory and practice throughout the course. Most of the participants expressed their gratitude with the execution of the course programme. At the conclusion of the course participants were asked what they intend to do with the new test battery. Major part of responses fell under the following categories:

- conduct population fitness testing and monitoring (8 responses);
- train testers (7);
- translate the handbook (6);
- modify existing test battery according to Eurofit (5);
- develop policy for the promotion of health-related physical activity and fitness (4);
- create public awareness on health-related physical activity and fitness (4);
- buy material from CDDS (2).

The participants were also asked to present short papers on the present status of health-related fitness assessment in their own country.

The overall interest for the course and the immediate participant response to it favours the organisation of a similar event in the future. The UKK Institute is prepared to host such a course in early October 1996.

D *Sports Policies*

Synopsis of Hearings held in Bulgaria, Croatia and Slovenia

Bulgaria

FIELD OF ACTIVITY:	SPORT
TYPE OF ACTIVITY:	Parliamentary Assembly/CDDS Hearing
COUNTRY:	BULGARIA
DATE AND PLACE:	12 July 1995
BUDGET REFERENCE:	9102

PARTICIPANTS:

From the Bulgarian side:

- Members of the government (State Secretary for Sport, representatives of Ministers of Health and Education)
- 5 members of Parliament, including members of the Bulgarian delegation to the Parliamentary Assembly, and Chair, Vice-Chair and members of the Parliamentary Commission on Sports, Youth and Tourism
- Leaders of the Committee for Sports Youth and Children of the Council of Ministers
- 40 representatives of the Bulgarian Olympic Committee, the sports federations and local authorities

From the Council of Europe side:

- Members of the Parliamentary Assembly's sub-Committee on Youth and Sport
- Members of the CDDS Bureau
- Members of the Secretariat General

OBJECTIVES:

- assess proposed legislation on sport
- lead to a better cooperation between the governmental and non-governmental organisations working in sport
- lead to improved financing for sport in Bulgaria

GENERAL ASSESSMENT:

The Sports Bill was examined. It was considered too detailed. The roles of the local authorities, of school sport and of elite sports were common refrains. Questions on financing, sponsorship, tax deductions and tax breaks were frequent. The relationship between government and sports organisations was discussed at length.

The Hearing was considered to have had a useful and positive impact, bringing other European experiences to bear on the situation in Bulgaria and informing Bulgarian participants of alternative means of action.

FOLLOW-UP AND POSSIBLE PUBLICATIONS:

The Bill will be revised and shortened, with a view to becoming less detailed and more general.

Slovenia and Croatia

FIELD OF ACTIVITY: SPORT

TYPE OF ACTIVITY: Parliamentary Assembly/CDDS Hearing

COUNTRY: SLOVENIA and CROATIA

DATE AND PLACE: 7 June 1995 in Ljubljana
8 June 1995 in Zagreb

BUDGET REFERENCE: VOTE IX
(Art. 9102 - v. 1791 - Art. 9103 - v. 1792 - 1497)

PARTICIPANTS: **From the Slovenian and Croatian side:**

- Members of the governments
- Members of the Parliaments
- Representatives of the Slovenian and Croatian Olympic Committees
- Representatives of national sports associations
- Representatives of Faculties of Physical Education and Sport

From the Council of Europe side:

- Members of the Parliamentary Assembly's sub-committee on Youth and Sport
- National Parliamentarians
- Members of the CDDS Bureau
- Member of the Secretariat

OBJECTIVES: HEARING IN SLOVENIA:

- sports legislation - exchange of experiences in Western European countries
- socio-cultural and economic importance of sport
- importance and improvement of NGO and GO's cooperation

HEARING IN CROATIA:

- experiences from other countries in financing of sport, sponsorship in sport, sports legislation, privatisation of sports facilities, sports in schools and universities.
- provide a better understanding of the economic importance of sport on society
- lead to a better cooperation between the governmental and non-governmental organisations working in sport
- lead to improved financing for sport in Croatia

GENERAL ASSESSMENT: Both Hearings were judged positively. Media Interest.

FOLLOW-UP AND POSSIBLE PUBLICATIONS: Mainly at national levels.

CDDS Sprint Regional Seminar on Sport for All & Health

RAUBICHI, BELARUS, 2-4 October 1995

Summary Report

I. Conclusions of the Seminar, presented by the Secretariat

The Participants in the Seminar (see list at Appendix B), after listening to the interventions of the lecturers (see Programme at Appendix A) and having shared experience gained in their own countries, came to the following conclusions:

1. *Sport for All and its contribution to public health*

1.1 Sport for All can make an important contribution to establishing and maintaining good public health if some basic conditions are satisfied:

1.1.1 The physical activity must be *effective*, i.e

- it must be generally beneficial for the individual, producing a positive effect on the widest possible range of biometric parameters (for example, respiratory and cardiovascular efficiency, bone density, weight, etc.);
- by the same token, it must represent the same beneficial advantage for as many groups as possible within the population (children, adults, men, women, persons suffering from particular disorders, persons with handicap);
- it must procure the desired effects reliably.

1.1.2 The physical activity must be *feasible*, i.e

- its duration, frequency, intensity and general nature must fit in with the lifestyle of those practising it;
- it must call only on the skills, equipment, infrastructures and other resources that are generally and easily available.

1.1.3 The physical activity must be *safe*, i.e, apart from avoiding, say, the physical dangers of road traffic and pollution, it must present a minimum risk of acute or overload injuries, cardiovascular problems and other complications.

1.2 Physical activity for health yields the maximum benefit when practised throughout the individual's life, starting in childhood. However, worthwhile benefits can be achieved by beginning to exercise at *any* stage of life. Furthermore, research shows that it is not necessary to aspire to the highest levels of physical fitness in order to reap considerable health benefits.

1.3 The burden imposed on public health budgets by general physical inactivity can be measurably reduced by implementing policies to promote physical activity. This is equally true for older groups of the population which represent an important part of health care spending.

2. *Characteristics of Sport for All for Health*

2.1 Beneficial physical activities are not limited to any particular kind. They can be individual or group activities: walking, jogging, cycling, swimming, skiing, weight or circuit training or games of many kinds. Each kind of activity presents different characteristics with regard to the criteria of effectiveness, feasibility and safety mentioned in section 1 above. The important thing is to bring about the desired improvement of physical condition.

2.2 A degree of competition can increase the enjoyment of certain kinds of physical activity, but it is not an essential ingredient of Sport for All activity.

2.3 Sport for All for Health should be available to all without discrimination and without geographical or financial restrictions. Many forms of activity such as walking or running attract no costs: for more organised activities or those requiring specific equipment, costs should be adapted to local economic conditions and people's capacity to pay, so that everyone can benefit.

2.4 Sport for All for Health may require supervision in order to ensure safety and/or the adaptation of physical activity to individuals' needs and capacities. Certain activities also require a minimum level of facilities.

2.5 Sport for All for Health cannot therefore be said to be without cost. However, research shows that its cost is less than the medical costs attracted by a physically inactive population.

3. *Promoting Sport for All for Health*

3.1 Sport for All for Health programmes share a basic need for consciousness-raising amongst the population, calling for the extensive use of the mass-media, thereby attracting further costs.

3.2 Funding must therefore be sought for Sport for All for Health activities, whether from the State, Regional or Local Authorities, private enterprise or other sources. An important principle in fund-raising is to ensure that subsidising Sport for All for Health represents value for the subsidising bodies. Strategies will vary depending upon the conditions in each country, but in general, Governments should be invited to create favourable conditions for funding (e.g tax concessions, or, as in Germany, an obligation on insurance companies to devote revenue to prevention).

3.3 **The participants at the Seminar invited the CDDS to consider the possibility of holding a seminar on fund-raising and management for Sport for All for Health programmes.**

3.4 Sport for All for Health requires a special type of instructors equipped to diagnose, advise, supervise and evaluate the participants in their charge.

The participants at the Seminar gave encouragement to those countries which were already working on the training of such staff and **invited the CDDS to consider the possibility of drawing up, as a continuation of the work done on the EUROFIT project, a standard model syllabus for training instructors in Sport for All for Health.**

3.5 **The participants at the Seminar also proposed the preparation of a Handbook on Sport for All for Health.**

4. *Applying Sport for All to the health problems brought about by major catastrophes, and in particular those related to nuclear pollution*

The participants at the Seminar considered the health risks encountered in the parts of Belarus, Russia and Ukraine as a result of the Chernobyl disaster. In the light of presentations of the experience acquired in those regions and also in Hiroshima and Nagasaki, they came to the following conclusions:

4.1 Since such conditions do not give rise to specific pathologies, but only modify the incidence of existing diseases, promoting generalised physical activity can contribute significantly to public health - even under these extreme circumstances. It increases resistance to disease and reduces the spectrum of disorders contracted. It also contributes to a sense of personal well-being which is a valuable safeguard against the social and psychological problems associated with major catastrophes.

4.2 Certain groups of the population may suffer from specific problems calling for special regimes of physical activity.

4.3 The participants at the Seminar underlined that, even ten years after the Chernobyl accident, the financial and human resources needed to research and implement worthwhile public health strategies (including those involving physical activity) for the affected population were not available, and that a major effort was required to redress this situation.

5. *Proposals for future action*

5.1 The participants at the Seminar also invited the CDDS to consider in future years a further programme of Seminars on Sport for All and Health. Themes which needed to be covered include: refining the scientific basis (in terms of both medical and social science) and the development of specific strategies for particular groups such as women, children, persons with special needs, etc.

5.2 In his closing remarks Mr Leonid Khromenkov, Vice-Chair of the Sport Committee of the Republic of Belarus, announced that his country would be prepared to host a further seminar in the future.

II. Conclusions of the Working Group on medico-biological aspects of Sport for All for Health, presented by Professor Victor Strelnikov (Belarus)

1. The results of medico-biological researches convincingly show a positive impact of physical activity on health, working abilities and life expectancy. Researches in this field follow and develop the work done by European scientists in the framework of the Council of Europe's Sport for All Programme and meet the main provisions of the Declaration on the Significance of Sport for Society, adopted at the 8th Conference of European Ministers responsible for Sport in Lisbon in May 1995.

2. European countries have gathered important experience concerning the positive impact of optimum physical activity on the physical condition of individuals. Further medico-biological studies are required in order to ground and develop Health and Fitness Testing Programmes for European countries. Such programmes should include studies of optimum volume of physical activity, its frequency and intensity.

3. For the purposes of national Sport for All & Health Programmes, "Sport for All" may mean a mass form of physical activity exercised by population and which does not suppose extreme physical tension of the organism but corresponds to the way of life of a person, bringing to him or her satisfaction and joy.

4. In our opinion the following actions would therefore be useful when implementing a national Sport for All & Health Programme:

4.1 to continue studies on the mechanism of physical activity's impact on health and fitness of the population;

4.2 to ensure that special requirements of different groups of population are taken into account i.e., children, elderly persons, women, disabled, populations affected by major natural and man-made catastrophes, etc.;

4.3 to work out a classification of physical loads and of methods for assessing the functional state of organism, taking into account environmental conditions, psychological and physiological tension of organism;

4.4 to carry out preliminary testing (to work out in this respect methods and standards for testing and assessing results);

4.5 to ground the nutrition requirements from scientific point of view;

4.6 to ensure dissemination of special knowledge among the population; and

4.7 to ensure training of medical personnel for the above purposes.

5. We further recommend that the Clearing House initiate a study of European experience and current situation in the field of development and implementation of national Sports for All & Health Programmes, and in particular on problems mentioned.

III. Conclusions of the Working Group on organisational and economic aspects of Sport for All and Health, presented by Professor Tadeus Yushkevich (Belarus)

1. Popular sports and health movements are useful for the State as they contribute to the ethical education of the population, to spreading of healthy life-style, to decreasing of the level criminality and morbidity, to reducing of the number of working hours lost through sickness and thus increasing the productivity of labour.

2. The sports and health activities sector is not a production sector and cannot be based on the self-financing principles. The rise in the cost of sports and health services, seen in comparison with the existing average wage in East-European countries makes these services less accessible to the population.

3. The self-financing of popular sports and health organisations and material support for sports and health movements becomes difficult because of the shortcomings in legislation and taxation systems in the Republic of Belarus and in other countries.

Relations with the sponsors are also difficult for the same reasons. At present it is not expedient to invest in the sphere of physical culture and sports. The sponsorship of the sports organisations is not stimulated.

4. Taking into consideration the objective benefits of sports and health activities of large strata of population it is necessary to create the favourable conditions for the financing of sport from other sources. For this purpose it is necessary:

4.1 to create preferential taxation for the self-financing of physical culture and sports organisations;

4.2 to introduce the control of the use of profits for the purposes of extension of health and sports activities and the improving of material resources situation.

4.3 to make sponsors' subsidies tax-free in the sphere of physical culture and sport.

5. It is advised that all the countries of Europe pay particular attention to the physical culture and health of youth, using all the well-proved and non-traditional methods of work.

6. It is necessary to organise some International Seminars under the aegis of the Council of Europe on the economic and youth education aspects of Sport for All and Health.

IV. Conclusions of the session on strategies for large-scale natural and man-made incidents, presented by Professor Ludmilla Ivashenko (Ukraine)

1. Four countries - Japan, Belarus, Ukraine and Russia - presented seven papers at the plenary meeting dedicated to strategies for large-scale natural and technological catastrophes.

2. A number of actual problems concerning exercise for people suffering from ionized radiation because of the Hiroshima bombing (Dr Hideo Sazaki, Japan) and the Chernobyl Nuclear Power Station accident (papers from Professors Ivaschenko (Ukraine), Kalinkin (Russia), Guzalovsky, Shestakova, and Messrs Kramov and Skripko, Belarus) were discussed.

3. The following aspects were analysed:

3.1 health state dynamics of the population affected by ionised radiation because of the Chernobyl Nuclear Power Station accident and in the result of the atomic bombing of Hiroshima;

3.2 role of physical exercise in prophylaxis and treatment of diseases caused by after-effects of radiation catastrophes;

3.3 influence of the mechanisms of physical exercise on people exposed to radiation;

3.4 fundamental scientific research directions for mass sport amongst people suffering from the after-effects of the Chernobyl accident.

4. Analysis of the material presented in the reports from various countries demonstrates the negative dynamics in the state of health of the population attributable to irradiation. The increase of sickness rates depends upon the dose of irradiating radiation, and the duration on the degree of radioactivity as well as on several other exterior and interior factors, such as unfavourable ecological conditions, severe economic difficulties and associated changes in diet, non-co-operation with preventive measures by the population, etc. Unique data about the intensity of physical exercise in relation to sickness and death rates among victims of the atomic bombardment in Hiroshima were presented in a rich report by Dr Hideo Sazaki.

5. Data about children's and teenagers' resistance to radioactivity in contaminated areas are given in the paper from Professor Guzhalovsky (Belarus). The facts revealed by the author of children's inadequate response to low-intensity radiation loads during physical exercises, effects on the supporting-motor apparatus, retardation of cumulative adaptation processes, etc., have not only theoretical, but significant practical value and can be implemented in the adaptation of school physical training programmes.

6. The research of Professor Tatiana Shestakova (Belarus) is very future-orientated and describes the mechanisms acting during radio-nucleide removal under the influence of physical exercise, diet, massage, phytotherapy.

7. The concept of establishing a system for assessing the exercise needs of children inhabiting areas with bad health conditions, put forward in the report of Professor Kalinkin (Russia), deserves attention for further spreading and study of this problem.

A number of projects ("eco-sports", telecommunication mass competitions according to a new technology, etc.) proposed by the author, could be widely practised in the world's mass sports.

8. Finally, the following conclusions emerged from the discussion on the strategies required for large-scale natural and technological catastrophes:

8.1 The contribution of physical exercise to health protection systems for populations which are victims of irradiation, with the aim of lowering the risk of sickness development, strengthening the organism's resistance to negative environmental factors, and strengthening its physical state, is recognised.

8.2 Health-enhancing programmes should be orientated towards use of aerobic exercises.

8.3 Physical exercises should be differentiated according to their aim, volume and intensity of load with a view to the state and health level (including the overall health conditions of the area inhabited) of the people practising them.

9. The Council of Europe's co-operation is requested to organise international seminars on actual problems of mass sports for populations living in ecologically unfavourable areas, the subjects being the following:

9.1 Suiting physical activity to different sections of the population

9.2 The effective promotion of technology for mass sports.

10. The Council of Europe's assistance is also requested for scientific and practical workers in the field of mass sports at leading research, educational and health promotion centres of Europe.

11. We recommend the creation, under the Council of Europe's patronage, of a group of specialists to draw up programmes on public health improvement for populations which have suffered from these catastrophes, by means of mass sports.

12. The scientists of countries which have suffered from the Chernobyl Nuclear Power Station accident address to the scientists and research teams in Europe a proposal for wide creative co-operation with the objective of working out effective medico-physical training technologies for bringing the population of these countries to a healthy state. Since the long-term effects of low-intensity radiation on the human organism are largely unknown, it will be a long-term project to assess the impact of physical activity.

V. Closing speech by Mr Leonid Khromenkov, Vice-Chairman of the State Committee for Sport and Physical Education of the Republic of Belarus

My friends,

These three days of hard work have gone by so fast, and now is the time to draw some conclusions. As representative of the host country, it is not my place to comment on the quality of the organisation or indeed the work - I think that's up to you, and to the Sports Division of the Council of Europe. But I think that even at this stage I can state that this Seminar on Sport for All for Health has taken us one step along the road laid down at the international "Sport for All" Seminar held in Finland in 1993. It has enabled us to pool and develop the results of the scientific research carried out at European level under the distinguished direction of Professor Illka Vuori.

I am confident that the aim of this Seminar at Raubichi is in full accordance with the "Declaration on the Significance of Sport for Society" adopted at the 8th Conference of European Ministers responsible for Sport in Lisbon last May. It also contributes to solving some of the problems raised at the XIIth European Sports Conference which took place only a few days ago.

It has enabled guests and Belorussians alike to exchange views on a matter which is fundamental to all our societies: health. We have just heard the reports of the working groups, and I hope that their conclusions will be widely published and heeded.

I would like to emphasise one point. I believe that, in conceiving the subject of the Seminar, the Council of Europe took into account the need to carry out scientific research on ways of strengthening the health of the populations affected by the Chernobyl disaster. The possibility of using sport to reinforce health in the wake of major natural or technological disasters, and the attempt to lay down the specification for appropriate physical exercise regimes, deserve everyone's attention irrespective of which continent they live in. This has been borne out by the participation of Dr Hideo Sasaki from Japan, who has informed us of his experience and his work in the aftermath of the tragic atomic bombing of his country.

We have listened attentively to papers by scientists from Ukraine, Russia and Belarus and have learned about the difficult conditions under which the affected populations live in the three countries ten years after Chernobyl. I would ask the Secretariat to give this problem a special place when drawing up the record of the Seminar for the Council of Europe. The Chernobyl catastrophe is not only a tragedy for the peoples of Ukraine, Russia and Belarus: it is a universal tragedy, and it would be a great wrong to futures generations to forget it and do nothing.

The working group leaders, as well as experts from many countries have repeatedly stressed the importance of organising further seminars on, for example, funding Sport for All, the development of sports clubs, and physical rehabilitation. Our Republic supports these proposals and it would be an honour for us to organise one of these seminars under the aegis of the Sports Division of the Council of Europe.

The organisers of the Seminar have tried not only to provide the best possible working conditions for the Seminar, but also to give you some idea of our country, its cultural and sporting past and present, and to provide you with an opportunity to meet us and discuss with us. Very soon now, some of you will be going home, returning to your families and your every-day preoccupations. I wish you a good journey and hope to see you again on Belorussian soil.

Sprint Seminar on Sport for People with Disabilities

BRATISLAVA, 2 - 4 November 1995

Summary Report and Conclusions

I Summary Report by the Representative of the CDDS, Dr Pavel Belšan, Czech Republic.

This evaluation of the proceedings and outcome of the seminar concerns four basic areas:

1 Programme and organisation of the seminar

2 Lecturing participants and their contribution to the outcomes of the seminar.

3 Urgent problems.

4 Suggestions and recommendations for the future strategy of the Council of Europe's CDDS.

1 Programme and organisation of the seminar

The Seminar was organised very carefully with the appropriate conditions created for the participants and with the selection of experienced lecturers from countries where the system of care for the disabled has been introduced long ago and successfully carried out. The contents of the seminar corresponded with the timely needs of the new countries with regard to the application of sport in all its forms for the benefit of disabled people. In this respect a major setback was caused by the fact that some delegates did not know about the existence of the Charter as such and did not know its recommendations and principles. Consequently their reports about the current situation of the problem in their own countries were influenced by this fact. It is also worth commenting that some delegates did not have enough information and knowledge about the Council of Europe, its structure, role and functions as well as about its political mission.

During the course of the conference another major setback occurred, namely the rather low ability to communicate in foreign languages of some delegates. This was an overwhelming phenomenon, which was partly compensated by the work of very professional interpreters. For this reason it was also necessary to translate into Russian.

CDDS should in my opinion issue the rules containing the instructions for maximally stabilised system of nomination of delegates in addition to other recommendations in the sense that each delegate must be equipped with exact and right information as a condition for the functioning of managing activities of CDDS.

Some speeches made an impression of presenting pure subjective opinion without respect and understanding all existing circumstances. The role of CDDS should be in outlining the exact guidelines, which would bring univocal and exact information. This is a task for the organiser of such an event.

In principle it is necessary to formulate a specific organisational approach to the given problem. To overcome language difficulties, which is not easy to manage in a short time, it would help to work out a written report based on an agreed draft. A similar attempt has been made by the Clearing House for Bratislava by working out a questionnaire, which some of the countries did not answer.

2 Lecturing participants and their contribution to the outcomes of the seminar.

All assigned lecturers have fulfilled their task perfectly. They have shown not only professional knowledge, but also long term and extensive practical experience. They have contributed decisively to the success of the seminar and its conclusions. Programme of lecturing has been successfully coordinated by Mr Vladimir Grieger, Chairman of the Organising Committee of the Seminar and by Mme Renée Gautron from the Secretariat of the CDDS, who was present.

3 Urgent problems.

The seminar has defined the most urgent problems as follows:

a) Sport for the disabled is placed differently in the structure of sport. In some cases top level sport is given the highest priority, in other cases sport for all is preferred and the function of sport as a means of social rehabilitation of the handicapped, their integration in the society and functional compensation is neglected.

b) Sport for the disabled is regarded by the society as a whole as an extravaganza of the handicapped and not as an integral part of the social care for the disabled citizens.

c) It turns out that the application of the sport for the disabled requires a complex structure of management and coordination, training of specialists, preparation of programmes, necessary scientific research for the improvement of the current state and the involvement of government and non-government organisations in coordinated activities to solve the existing problems.

4 Suggestions and recommendations for the future strategy of the Council of Europe's CDDS.

The CDDS representative recommends:

- that sport for the disabled be regarded as a priority in the activity of CDDS;
- member countries be committed to this pledge, because it is an important part of the democratisation and humanisation of the society in the process of the political, social and economic transformation;
- that a standing commission of CDDS be created composed of the specialists nominated by the member countries and selected in a competition;
- to find a way for the entry and following integration of the SPRINT countries into the structures and activity of the Council of Europe and the CDDS;
- to apply at the same time the inventory of basic documents of the Council of Europe
- to present the list of respective documents according to their specialisation and how to get access to them through the Clearing House;
- to consider the possibility of making an inventory of the documents for the delegates of SPRINT countries with the following contents:

- political role of the Council of Europe,
- importance and application of the documents adopted,
- the organisational structure of the Council of Europe,
- conditions and possibility of member countries' participation etc.

These suggestions are an important factor for the acceleration of active participation of the SPRINT countries in the activities of the CDDS.

The CDDS Representative proposes:

- to consider the possibility to put this topic on the agenda of the next conference of the Ministers responsible for Sport;
- to stress the necessity of integration of the sport for the disabled into the sphere of social care in each country, because it is the area, which is closely observed by the European Union as a condition for the integration for new countries into the EU;
- because of the low level of language competence of the SPRINT countries, to find ways to abolish the language barrier of these countries.

II Conclusions Adopted by the Seminar Participants

- the seminar was very successful in collecting new information about the situation of adapted physical activity in the countries taking part and the summary of the pre-questionnaire consists of valuable information and statistics: appendix 1.
- the presentations of the speakers from seven European countries and the practical demonstrations of sports for disabled people can be used to broaden the sports culture in Europe in the near future.
- the seminar requests that the Sprint activities of the Council of Europe be continued, and stresses the following needs:

  a) some countries need help to make national translations of the "European Charter for Sport for All: Disabled persons" and also for building up better contacts inside the countries for making the charter known in their sports administration.
  b) some of the countries could establish their own national "liaison" organisations, and the Council of Europe could help in these countries.
  c) the Clearing House should collect all new data and statistics by publishing new information will help member countries to go forward in the area of sports for disabled persons.
  d) there should be good information exchange between the Council of Europe and the European Union and sports organisations, such as ENGSO, in the new situation.
  e) bilateral seminars should be developed to meet especially the needs of those countries which have strongest needs for foreign experts or know-how from abroad.

Appendix 1

ANALYSIS OF RESPONSES TO THE EUROPEAN A.P.A. - QUESTIONNAIRE, September 1995 compiled by Mr Kari Koivumäki and Mrs. Tarja Kolkka, Finnish Association of Sports for the Disabled

1a. What sports organisations for the disabled are there and how many members do the organisations have ?

Latvia: 7 organisations, about 1800 members
Lithuania: 5 organisations, about 9000 members (Sp.01)
Poland: 5 organisations, about 29000 members
Russia: 4 organisations, about 30000 + members
Belarus: 3 organisations, ?
Ukraine: 2 organisations, ?
Slovakia: 6 organisations, about 12000 members?
Hungary: 5 organisations, about 20000 members
Slovenia: 1 organisation, ?
Croatia: 1 organisation, ?
Cyprus: 2 organisations, about 400 members
Romania: 1 organisation, about 9900 members
Bulgaria: 4 organisations, about 4200 members
Austria: 2 organisations, about 6000 + members
Germany: 2 organisations, about 260000 members

1b. Other organisations providing sports for the disabled ?

Only in Poland and Hungary there are some other organisations providing sports for the disabled, but the local sports administrations do not organize sports for the disabled.

2. Which body is responsible for coordinating adapted physical activity ?

- Latvia: Latvian Sports Department & Latvian Paralympic Committee
- Lithuania: Lithuanian State Sports Department, Lithuanian Paralympic Committee
- Poland: State Sports and Tourism Administration, Council of Sports for the Disabled, Warszawa, ul. Swietokrzyska 12
- Russia: The State Committee on Physical Culture and Tourism
- Belarus: Sports Committee of the Republic of Belarus
- Ukraine: Ministry of Youth and Sports Affairs of Ukraine, Str. Esplanadnaya 42, 252023 KYIV
- Slovakia: Slovak Paralympic Committee, Junacka 12, 82380 Bratislava
- Hungary: National Office for Physical Education and Sports, Budapest 1054, Hold u.1
- Slovenia: Slovenian Association for Sports and Recreation for Handicapped People, 41000 Zagreb, Hatzova ul. 14/1
- Croatia: Croatian Association for Sports and Recreation for people with disabilities, Hatzova ul. 14/1, 41000 Zagreb
- Cyprus: Special Olympic Committee of Cyprus, PO Box 590, Nicosia
- Romania: *Federatia Romana A Sportului Pentru Handicapati*, str. Vasile Conta 16, sector 2, 70139 Bucarest
- Czech Republic: Ministry of Education, Youth and Sports
- Bulgaria: Bulgarian Sports Federation for people with disabilities and Sports Committee
- Austria: Austrian Handisport Association (*Österreichischer Behindertensportverband)*
- Germany: German Handisport Association (*Deutscher Behinderten-Sportverband*) and other public organisations.

3. Do you have a national Paralympic Committee and does it work with mentally retarded as well?

Four countries do have a national Paralympic Committee (Latvia, Lithuania, Slovakia and Hungary), and 1 or 2 are under establishment (Belarus, Russia?). The solution in other countries varies, but if the country has only one sports organisation for the disabled, then there is no need for separate paralympic committee. In Slovakia and Hungary, the Paralympic Committee does also include the mentally retarded and in Hungary they also have a Paralympic Foundation for having funds for activities.

4. What role do the government ad educational authorities have in adapted physical activity?

Usually coordination, funding, legislation and also teacher training with the universities (educating the experts) and in some countries dissemination of A.P.A.-information.

5. How much did the sports organisations for the disabled receive in state public grants and subsidies in 1994 and what percentage of the total sports budget is this using DEM:

- Latvia:	8033	DEM	0,8 %
- Lithuania:	184834	DEM	2,5 %
- Poland:	682464	DEM	?
- Russia:	?		?
- Belarus:	121556	DEM	5,0 %
- Ukraine:	238008	DEM	?
- Slovakia:	342120	DEM	4,2 %
- Hungary:	107967	DEM	0,2 %
- Slovenia:	71000	DEM	8,5 %
- Croatia:	?		?
- Cyprus:	28436	DEM	1,0 %
- Romania	11117	DEM	0,02 %
- Czech Rep.	412151	DEM	3,0 %
- Bulgaria	16350	DEM	?
- Austria	838980	DEM	?
- Germany	6000000	DEM	?

6. Does your government subsidise research in sport for people with disabilities. How much and what is the proportion?

About half of the countries do have some funds for adapted physical activity research from their governments, but the data was not very exact. Lithuania gets 4% of the sports research funds for APA-research, in Russia 3 million roubles, in Hungary a project of hydrotherapy for children with dyslexia and discalculia, in Slovenia 48300 DEM and in many countries no research funds.

7. Expectations regarding the seminar and wish to make a presentation

Latvia, Poland, Romania, Bulgaria, Germany, Slovakia and Belarus will have a presentation. The expectations are as listed below:

- Ideas on sport development for the disabled in Europe
- Recommendation-document regarding the further development of sport for the disabled
- Scientific research results, new methods and programmes, diagnostics of disabled athletes, new special equipment, etc. (Belarus)
- Responsibilities of NGOs (recommendations for governments).

This means that we have to evaluate the usefulness of the European Charter for Sports for All: disabled persons. Is there a need to make a new one or to make adaptations for SPRINT countries. Should we need a new expert group to work out this kind of adaptation?

8. Do the countries have any legislation on sport for people with disabilities?

Most of the countries have some kind of common law (sports act) and many countries have had new laws concerning the disabled persons rights during the nineties.

9a. Which are the major difficulties to have the European Charter on Sport for All: Disabled people implemented?

Lack of finances or organisations or problems in attitudes in some countries. Cyprus has grounded a committee dealing with the implementation of the Charter. Russia had not got the document.

9b. Is there a need to amend the Charter in some ways?

No proposals concerning re-publication or adaptation.

10. List of persons who participated the completion of the questionnaire:

Eight countries did send a list and others also gave us information about contact addresses (list enclosed).
This appendix gives us important information about the contact persons in each country.

This report of the results of the adapted physical activity questionnaire was made in September 1995 by Mr. Kari Koivumäki and Ms. Tarja Kolkka in Finnish Association of Sports for the Disabled, Kumpulantie 1, 00520 Helsinki, Finland.

For further information, please contact Mr. Koivumäki or Ms. Kolkka
(tel. 358 0 613 191 and fax 358 0 146 2404)

Helsinki, 2.10.1995

LIST OF PERSONS WHO HAVE PARTICIPATED IN THE COMPLETION OF THE QUESTIONNAIRE

LATVIA		
Drauga Valija	Deputy Director, Sports Department	4 Terbatas Str., LV-1001 Riga Tel. 371 7 286 762
Purins Egils	Secretary General, Sports Confederation	4 Terbatas Str., LV-1001 Riga Tel. 371 1 288 924
Stilve Valdis	President Paralympic Committee	Pales Str. 14/I, LV-1024 Riga Tel. 371 2 531 602
Rauselis Maris	Director, Blind Sports Union	Pales Str. 14/I, LV-1024 Riga Tel. 371 2 533 895
Supulniers Aldis	President Handicapped Sports Federation	Lauku Str. 522, LV-4000 Limbazi Tel. 371 2 422 145
UKRAINE		
Goldvoko	Head of the Department of the Physical Culture	42 Str. Esplanadna, 252023 Kyiv Tel. 1044 220 12 94

LITHUANIA		
Vidas Stankevicius	Secretary General, Paralympic Committee	Zemaites 6, 2675 Vilnius Tel. 370 2 235 836 Fax 370 2 233 221
Jurate Verbuviene	Secretary General, Disabled Sports Federation	Zemaites 6, 2675 Vilnius Tel. 370 2 235 216
Raimundas Simkus	President, Blind Sports Federation	Labdariu 6, 2600 Vilnius Tel. 370 2 624 642 / 221 464
Milda Laurutenaite	Lithuanian State Sports Department, Chief of Physical Culture Division	Zemaites 6, 2675 Vilnius Tel. 370 2 235 401 / 233 221
SLOVENIA		
Igor Malic	Secretary General, Slovene Association of Recreation and Sport for the Disabled	Malenskova 1, 61000 Ljubljana Tel. 386 61 443 164 Fax 386 61 301 643
CYPRUS		
Costas Papacostas	Officer in Charge of Sport Cyprus Sport Organisation	PO Box 4804, Engomi, 2400 Nicosia Tel. 357 2 358 888 Fax 357 2 358 222

RUSSIA		
Sergei D. Neverkovich	All-Russian Scientific Research Institute of Physical Culture and Sport, Member-correspondent of Russian xxx- Academy	Elizavetinaky 10, Moscow Tel. 70 95 265 4432 Fax 70 95 261 4991
Vladimir S. Dmitriev	Deputy Head of Science and Sport Medical Department, The State Committee of Russian Federation on Physical Culture and Tourism, Science Leader of the Centre of Recreation of the Disabled	Kazakova 18, Moscow Tel. 70 95 265 3435 Fax 70 95 263 0841
CROATIA		
Kresimir HORVAT	Adviser to the Vice-Minister (international relations). Ministry of Education and Sports	Ilica 24, 41000 Zagreb Tel. 385 1 469 000 Fax 385 1 410 492
POLAND		
Pitat Kizysztof	Vice-Director	Niecaza 2, R. 313, 00-098 Warsaw
Halina Zagrajek	Expert of Sport for Disabled	12 Swietokrzska str., 11-916 Warsaw Tel. 694 50 35
BELARUS		
Nikolai Bolshakov	Head of International Sport Relations Dept, Sport Committee of Belarus	8-2 Kirov Street, 220600 Minsk Tel. 172 271 289 Fax 172 277 622
Valery Matskevich	Expert Department of Physical Recreation and Mass Sport, Sport Committee of Belarus	8-2 Kirov Street, 220600 Minsk Tel. 172 269 147 Fax 172 277 622

SLOVAKIA		
Vladimir Grieger	Ministry of Education and Science of the Slovak Republic	Hlboka cesta 2, 81330 Bratislava Tel. 42 7 49 15 24
Miroslav Tkac	Ministry of Education and Science of the Slovak Republic	Hlboka cesta 2, 81330 Bratislava
Andrea Skokanova	Ministry of Education and Science of the Slovak Republic	Hlboka cesta 2, 81330 Bratislava
Helena Hankova	Slovak Sports Association for the Disabled	Junacka 6, 83280 Bratislava Fax 42 7 27 90 576
Danica Studena	Slovak Sports Association for the Disabled	Junacka 6, 83280 Bratislava Fax 42 7 27 90 576
Josef Liba	Slovak Sports Association for the Disabled	Junacka 6, 83280 Bratislava Fax 42 7 27 90 576
Jela Labudova	Faculty of Physical Education and Sports, Comenius University	Studendhorska 87, 84103 Bratislava Tel. 42 7 760 918

Appendix 2

Summary reports of the three working groups[2]

1 Recommendations from the Legislation Working Group, chaired by Mr Carl Wang, I.P.C

The group focused on the following 3 issues:

- the implementation of the European Charter for Sport for All: Disabled Persons;
- the approach to legislation and;
- improvement of co-operation.

1. Implementation of the European Charter for Sport for All: Disabled Persons

The first matter dealt with by the Group was the implementation of the European Charter for Sport for All: Disabled Persons, the aim being to see how it is applied in practice and the impact of the Charter's principles at national level.

The Charter serves as a reference document for the adaptation of sporting facilities in Germany and has been translated by two other countries, namely Poland and the Czech Republic, which also has a policy of carefully targeting the distribution of the document.

However, apart from these positive efforts, it has to be said that there is a major problem of access to Council of Europe information and reference documents, which some participants were not even aware existed. Accordingly, these participants urged the Council of Europe to resolve the problem.

This unawareness leads inevitably to the next comment, namely that no proposals were made to add to the Charter.

2. Legislation

- As regards legislation, an analysis of national situations showed that different approaches are taken depending not only on the type of legislative system in force in the country in question but also on the way in which relations between the public authorities and sports associations are managed.

- These differences give rise to diverging views on whether to adopt specific legislation to promote sport for the disabled or to rely instead on general legislation.

Whatever the choice, it is generally agreed that the following should be provided for in legislation:

- guarantee accessibility of sports facilities;

- fair apportionment of public subsidies for sport for the disabled (including clear identification of the purposes of such subsidies).

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[2] I.PC. **International Paralympic Committee**

I.PC.	**International Paralympic Committee**
B.S.A.D.	**British Sports Association for the Disabled**
F.A.S.D.	**Finnish Association of Sports for the Disabled**

There should also be provisions defining the responsibilities of public authorities and sports associations at national, regional and local level.

The conclusion would seem to be that it is up to the member states to take the necessary measures with reference to their national context and the principles of the Charter.

There are three more matters which need to be taken into consideration:

a) many countries are currently in a period of transition entailing in particular a complete recasting of their constitutional and legislative systems; in this context the adoption of legislation on sport is probably not regarded as a priority;

b) this transition also entails a change in the approach to policy for the disabled; organisations for sport for the disabled must learn to acquire independence from governmental organisations; they must assume their responsibilities in the decentralisation process; they must become accustomed to the need to promote and organise sports activities for the disabled at a basic level, namely the local level;

c) finally, allowances must be made for the difficulties inherent in implementing legislation during a period of severe economic recession.

It would also be a good idea to develop links with the community so as to promote the idea of sport for the disabled as a means of integration.

3. Improvement of co-operation

In this connection, it was suggested that the Council of Europe and the European Union should keep each other informed of their respective activities to promote sport for the disabled so as to avoid any duplication.

2 Recommendations from the Financial Working Group
chaired by Mr Gordon Neale, BSAD.

There were eleven countries present during the workshops.

The mixture of people produced a well informed multi-cultural approach to the concept of marketing.

To some, the idea of professional marketing was a totally new concept. However, by the end of two meetings, four positive recommendations were tabled:

1. A more detailed and committed legislation on funding
2. A better system of exchange visits, both mutual and council
3. A research programme into participation
4. Disabled sport is placed high on the agenda of the next Conference of European Ministers responsible for Sport (1999).

3 Recommendations from the Local Authorities Working Group
chaired by Mr Kari Koivumäki, FASD.

1/ to the Council of Europe:

Biggest problem - Theory → Implementation

- Information from Council of Europe could be sent to an organisation in the country, in sport for disabled people, as well as government organisations;
- Filter of information to local level could then be better;
- Some countries require assistance with translation of the Charter and other documents;
- Some countries require prioritising of help from Council of Europe;
- Facilitate an exchange programme for experts in specific areas to particular countries;
- Council of Europe could facilitate central co-ordination;
- Methods to off-set travel costs must be examined.

2/ to the International Paralympic Committee:

- Assist countries in setting up of National Paralympic Committee.

SPORT IS FOR A BETTER LIFE

Sprint Seminar on Sport and the Law
Paris, France 25 - 26 October 1995

FINAL REPORT

INTRODUCTION

The Seminar on Sport and the Law took place in Paris on 25 and 26 October 1995 on the theme "Settlement of disputes through court proceedings and/or through sports bodies". It was organised by the French Ministry for Youth and Sport in cooperation with the Council of Europe. The participants - some sixty lawyers - came from 35 European countries.

The lecturers chosen as well as the experience and professional profile of the participants - mostly persons directly dealing with the various situations and problems raised by the seminar - ensured an extremely fertile exchange of ideas.

The Seminar's main purpose was to inform and to contribute to the advancement of participants' views and thinking on the subject matter rather than to reach precise conclusions. This goal was achieved, in particular because most participating countries has sent back a questionnaire (sent out by the French authorities) giving comprehensive information on their national practice on the subject. This provided a solid basis for discussion.

After two days' discussion, the participants took note with interest of the concluding report presented by Dominique Rémy (France) and retained two proposals submitted respectively by the French and by the Dutch delegations for further consideration.

These proposals concern in short:

- further exploitation of the questionnaire and the comparative study of legal systems as they apply to sport, and strengthening contacts between representatives of States to improve mutual knowledge of the ways sports disputes are resolved in Europe (French proposal)
- the elaboration of a checklist of fundamental rights or legal principles to be taken into account by sports federations when they draft rules or regulations, as well as a description of procedural rules to apply in the settlement of disputes (Dutch proposal).

CONCLUSIONS

Settlement of disputes through court proceedings and/or through sports bodies: Mr Dominique REMY: Head of the Sport Regulation and Financing Department of the Ministry of Youth and Sport (FRANCE)

Is it possible to sum up two such days of lectures and discussions? Furthermore, can this be done with complete objectiveness and detachment from one's national context? Possibly not; this summary must therefore be taken only for what it is, a tentative personal overview based on the abundant material presented by the various participants, which each person can and certainly will piece together differently. Let us say that these are the hastily rearranged notes of a moderately attentive listener. With the same chemical components very different molecules can be formed, and we have been plentifully supplied with molecules over these two days.

I find that at the close of its second day devoted to settlement of disputes in the sports world, our seminar, attended by experts from the States Parties to the Council of Europe Cultural Convention and held under the aegis of that organisation, has enabled us to address what is both a common and a topical problem. The seminar was intended to provide us with common tools and references; it may have helped to reconcile viewpoints, which would be a fortunate though not absolutely necessary bonus.

I think it should be reiterated at the outset, as some speakers have pointed out, that certainly in countries like France and Italy but probably also in others there is an impulsion towards the court, perhaps more than towards the law. There is a demand for universal legal values, and these are embodied at least emblematically in the European Convention on Human Rights. It is no longer possible, even in areas signposted by long-standing precedent, to disregard the references, for instance, to Article 6 of the Convention. Mr GARRONE of the Council of Europe said at the opening of the seminar that he considered this provision applicable to at least part of sports litigation. More than a trend among lawyers, there is the idea that somewhere universal values really must be reflected in universal procedures, and everyone knows that liberal values are intimately linked with the basic concepts of legal procedures. This was the idea put to the informal meeting of European Ministers responsible for Sport, gathered together under the auspices of the Council of Europe, by the French Minister for Youth and Sport in April 1994: *it is permissible to question the validity of sports federations' prerogatives when they fail to comply with the general principles of law recognised by states like ours, as for example the presumption of innocence or the rights of defence, not to mention the disciplinary aspects. These principles, so essential to the operation of democratic societies, are too often ignored in the sports world.*

Sport will be increasingly affected by this simultaneous impulsion towards the court and towards universal procedures. We tend to reason according to the forms of national law, in some respects unsuited to the resolution of issues raised by the transnational character of sport. Certain legal entities, international sports federations and persons or bodies answerable to them, are elusive, able to relocate and take their choice of law without any change in their structures, management, etc. We have been accustomed, some of us for centuries, to a confrontation between court and state within a sometimes contentious but at least stable relationship.

Considering the attention paid by the press to the phenomenon (often concentrating more on this particular area than others, as Professor ILESIC remarked), and the fact that the colossal financial interests sometimes make the contest less unequal, we have to acknowledge this demand for formalisation of sport dispute settlement procedures and accordingly ask ourselves which direction any necessary change might take.

LEGAL CULTURE AND ACCULTURATION

Has the seminar given us insight in this respect? To exaggerate slightly, can the juxtaposition of thirty-five different types of legal experience yield, not a common opinion, which was of course not purpose of the comparison, but a common legal culture, a common perception of a whole array of problems and solutions?

Few subjects could have offered a better immediate chance of achieving this than the one chosen by the Council of Europe. Had we debated the pecuniary responsibility of sports federations in the organisation of competitions, I doubt whether each of us could have come away with such a store of ideas, above and beyond enhanced general knowledge.

A seminar like the present one presupposes that legal acculturation can be deemed capable of succeeding. Its success also presupposes that the tree, ie the receiving legal system, is compatible with the graft.

In sport, and especially in our sphere, such acculturation is not just possible but perfectly natural because the very nature of sport inevitably raises comparable if not identical problems in all countries. The train of logic is virtually irrefutable:

If there is to be sport, and not just physical activity, there must be competition. There can be no competition without a rule for grading the competitors. Thus there are two requirements: an institution must lay down the rule, ie not only the rule of the sport but more generally the rules of competition (standards to be met by the grounds where matches are held, date and time of fixtures, etc), and an institution must enforce the rule (referees on the field, sports commissions for other types of rules, etc). Professor ILESIC's written contribution featured a quote from Professor ALAPHILIPPE dating from 1992 and illustrating the profoundly legal nature of sports activity, and yesterday Professor COLLOMB noted that *"sports are in a way subject to justice even before being taken into consideration by the state legal system"* because *"the sports world is in itself profoundly legal"*. And, to cap it all, since there is but one rule by which to determine who is better, *"higher, swifter, stronger"* (not a superlative but a comparative; best is only by comparison to others), this institution by definition can only exist as a single exemplar for a given territorial level.

This fact is necessarily universal; consequently, even before any acculturation process takes place, legislators are under the same constraint and face essentially similar problems. Taking some examples from another continent, I do not believe that France and the United States can be suspected of having followed each other's lead for their sports legislation. Yet in a comparable situation where conventional sports federations co-exist with other federations whose active members are grouped according to non-sport interests - eg as students, service personnel or disabled - American law establishes the same distinction as French law between their respective functions: the Americans refer to them as *national governing bodies* and *amateur sports organisation*, the French as "governing federations" and "interest federations". Two other examples in the same transatlantic register concerning professional sport and therefore only marginally relevant nevertheless clearly demonstrate the broadening of the issues: they relate to the problems over conflict between sport organisation and law of competition. On that score, Professor COCCIA amply demonstrated to us by the impressive digest of litigation contained in his written contribution that the relevant problems were encountered in six European countries; they also occur in the USA. Likewise, there is at present one club which contests the federation's single merchandising contract by alleging that it constitutes a breach of free competition on either side of the Atlantic; this is known as the ADIDAS case here and the "Dallas Cowboys" baseball case over there.

Disputes arising from sports activity are thus bound to be very comparable in all countries, as Professor REAL-FERRER said in concluding his statement: the inevitable recurrence of disciplinary bodies, statutory disputes, litigation over the application of match organisation rules (matches lost by withdrawal, etc) should logically indicate a certain convergence. Obviously, as is plain from the results of the questionnaire we answered, the role of national justice in reviewing decisions varies greatly, and so does the competent court where choice is possible. It can act in a capacity external to the dispute or on the other hand assume full jurisdiction over it, concern itself with procedure or substance too, and so on. Professor KARAQUILLO even showed us how in certain cases the court can turn to the sports body by giving it a judicial task of conciliation. This brings us nearer to the diversity of the national legal situations. But many, perhaps all, lecturers stressed the diversity of these "sports disputes", of which Professor COCCIA gave an extensive overview and outlined not one but several typologies.

Therein lies the full interest of the pre-litigation phases, whose concatenation was explained to us (as the "federative channel" by Professor REAL-FERRER, or "internal appeal procedures" in French law, followed by recourse to conciliation or external review then referral to the national justice system). Mutual inspiration is possible, and furthermore already exists. In the years preceding the French law of 13 July 1992 which established conciliation is sport, there was a certain agitation among those interested in the subject in France. The law of 16 July 1984, by repealing an unenforced provision of the earlier law, had sounded the knell of an arbitration function for the Olympic Committee, thus rejecting a possible foreign model (Belgium and Luxembourg, as several principal or incidental speakers reminded us; we also learned from the Polish delegate that the same applied in Poland). The Conseil d'Etat was then asked for a report, which advocated setting up along Spanish lines (as understood by French jurists before Professor REAL-FERRER explained to us in his statement that CEDD decisions were not judicial but administrative) a Higher Sports Disciplinary Commission as a specialised administrative court. Colloquies raised the question "Which judge for sport?", and a bill which had come under discussion in Parliament even set out to empower the Minister for Sport to set aside sports federation measures deemed unlawful. However, the bill did not survive the change of government.

Thus the "Spanish model" was eventually rejected by the government and a different solution emerged at the instigation of a parliamentarian wishing to table an "anti-bureaucratic" amendment. This debate took place in France in 1991-92. It has now calmed down since there is comparative unanimity regarding conciliation and especially the concrete application thereof by the Olympic Committee and its conciliators (for solutions are not provided by the law, but by the women and men who bring laws to life). No-one better than Professor KARAQUILLO, chairing the French Olympic Committee's conference of conciliators in addition to his academic activity, could have itemised the machinery and reasoning of French-style conciliation. Attention should nevertheless be drawn to the influence which the perception of practice in neighbouring countries had in the debate. Let it be said in addition that the discussants did not have access, as we shall have in a few months, to the records of this seminar amplified by the replies to the Council of Europe questionnaire which were drafted by experts from 35 countries.

"SPORTS LAW"

We are talking about disputes which in many cases occur within organised groups between certain of their members over rules adopted by the group itself. Should we regard these rules as law and the decisions ruling on their application as decisions of justice? Let us note, as Professor COLLOMB asked us to do in his introduction, the "formal dissymmetry" described as inevitable by Professor COCCIA, or should we say the "judicious caution", inherent in a seminar title formulated "Settlement of disputes through court proceedings and/or through sports bodies" rather than "State justice and sports justice". The lectures, however, frequently discarded this reserve and used the foregoing expressions. Caution on that score is not new either.

Saint Augustine fifteen centuries ago and Kelsen this century invoked the same metaphor and denied, though for opposite reasons, the possibility of law emerging otherwise than from statutory authorisation. This is something of the sentiment expressed by Professor COLLOMB in saying that sport cannot form an alien enclave within the aggregate society in terms of dignity and liberty.

Some legal systems accept more readily than others the retention of private justice systems, of which arbitration is precisely the hard core. The permanence of a partly transnational law of non-state origin, the *lex mercatoria*, unquestionably accounts for the unrivalled extensiveness of arbitration in commercial law and the law of international trade, as Professors ILESIC and COCCIA pointed out. Still on our continent arbitration, though of course lawful, is subject to the control of "state" justice, as several speakers reminded us and, it might be added, an institution does not compromise with one of its members under the same conditions as two parties to a contract. The question of the lawfulness of the arbitration clause thus becomes crucial, like that of the lawfulness of the clause waiving referral to the courts. It is clear that while ordinary law allows both arrangements, the law of sports institutions is recognised by the state at least for practical purposes if not totally. This is exactly the situation in Swiss law as Mr J-P ROCHAT said in his concluding expression of personal conviction, supported by practical examples referring in particular to the organisation of the Atlanta Games, that sports arbitration is destined to develop. This is the kind of recognition invoked by Professor REAL-FERRER, together with Professor COCCIA, in the part of his lecture advocating its general application subject to limitations which he specified, pointing out that it retained an admittedly minor place in the Spanish system alongside the disciplinary and electoral areas.

According to the results of our questionnaire (II f), this is not the predominant situation in Europe. Nor is it at all the case here in France as other impediments drawn from the rules of public law preclude recourse to judicial arbitration. This is heightened by the doubts which certain representatives, particularly those of Belgium and Austria, expressed regarding the independence of the Court of Arbitration for Sport, to be countered by Professor KARAQUILLO with the argument that if a state-appointed judge can be independent vis-à-vis the state, the same may apply to the one appointed by the sports institutions.

Yet it must be acknowledged that straightforward recognition of "sports justice" by the State is often difficult, because it is hard for the state not to claim the right to have its courts verify the conformity with its own legal order of rules originating in the sports movement and applied by its private justice, and furthermore because the actual procedures are not always equal to the issues at stake. It is striking that several speakers, in particular Professors KARAQUILLO and COLLOMB, used the terms "oversight" or "verification" of the decisions of federal bodies responsible for the settlement of disputes. Professor COCCIA drew a distinction in this respect between "private legal order" and "legal order of the sovereign state", conceding that sport had the first characteristic but not the second.

In applying exclusively sport-derived rules, the sport arbitration machinery guarantees fair and independent settlement of disputes, which perhaps accounts for the fact that all but one of the completed questionnaires mention the impossibility for a court to deal with such an issue proprio motu (II a) and even, as Mr J-P ROCHAT reminded us, that the Court of Arbitration for Sport refuses jurisdiction over such disputes. Professor COCCIA elaborated on and explained this remark; Professor ILESIC demonstrated the foundation of the refusal in the state court's lack of competence *ratione materiae* for game rules. But as soon as we leave the playing-field and consider the issues of power within sport institutions, their behaviour and structures may diverge from our legal criteria: sometimes the distinction between executive and disciplinary functions vanishes (contrary to the principle of *nemo judex in causa sua*), the procedures themselves may be mishandled so much that the respondents are not heard (contrary to the principle of *audi alteram partem*), and time factors cannot always satisfactorily account for these shortcomings. Thus the law must occasionally act as tutor, not by expounding procedure at length but by proposing or even imposing procedural models complying with these principles. This was the gist of a reply by Mr ROCHAT to a question from a participant on the extension of appeal to the CAS.

The European Anti-Doping Convention, concluded under Council of Europe auspices but, I stress, not universally ratified, forms an example of positive law, *binding law,* concerning procedures as it contains an Article 7 requiring inter alia that there should be disciplinary procedures "applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected persons", who are enumerated.

LAW OF SPORTS INSTITUTIONS AND RULE OF LAW

The latent question, nevertheless clearly expressed over these two days, which seems to pervade the law applied to sport is not the sports world's penetration by legality but rather observance of the rules whose existence is accepted throughout Europe and embodied by such instruments as the European Convention on Human Rights: respect for the rights of the defence, publication of regulations, application of general rules to specific cases, etc. Yesterday morning Mr RAVAZZOLO stressed that the subject of law, the sports participant, is indistinguishable from the citizen and retains the citizen's rights.

This difficulty is not purely legal but also procedural: the interests at stake in a sports dispute are often so slight in pecuniary terms (but so great in symbolic and personal terms for those concerned), and the procedures so long by comparison with a sporting career as some speakers pointed out, that it would usually be of small advantage to institute proceedings. Yet as Mr RAVAZZOLO said, sport fulfils a social need which means that everyone in fact holds a true subjective right to engage in it. Moreover, a judge, lost in an unfamiliar universe whose very terms ("umpire"!) do not mean the same as in his own parlance, does not necessarily have the political means to impose what he regards as the "legally correct" situation.

When a judge considers that a restriction applied to the employment of naturalised players by a federation - for entirely non-racist and altogether respectable reasons, furthermore - infringes French law, he **sets aside** the regulations in question. But what can the judge do if all clubs decide to continue applying the rule because in their view it secures balance and thus the interests of competition? Nothing at all. This is what Professor COLLOMB explained to us by adverting to cases of ineffectiveness in the law applied to sport.

The judge's maladjustment and helplessness when faced with the rules of sports institutions obviously recur more forcefully still at continental or international level. Here, where a state-appointed judge no longer has any direct competence for all aspects of the problem, the most powerful international federations (the most powerful of all having been identified by Mr Ole BORCH and also by the Greek and Maltese representatives) enjoy a form of extraterritoriality according to Professor REAL-FERRER, an expression to which the Austrian representative objected. The fact remains that they may literally exempt themselves from the law. This is moreover the consideration which prompted the Maltese delegate to suggest establishing an international administrative court dealing with sport.

The penetration of the sports world by the law can therefore be achieved only through adaptation of the law and the judge, with the foundation of a Court of Arbitration for Sport by the International Olympic Committee. Mr ROCHAT's statement on this subject clearly showed us how the sports movement, while securing the state judge's recognition, is quite capable, if so inclined, of evolving settlement procedures (I might have said "judicial procedures") perfectly in keeping with our canons. The setting up of a Court shows that our common legal values have begun to be accommodated, and that the sports institutions of their own accord have undertaken at least a partial renewal - albeit from the top - of their internal structures. Many of those who made presentations or comments identified arbitration as this meeting-point between sports institutions and national law.

Our concerns were doubtless centred chiefly on the national level and the disputes under consideration were for the most part national. However, as Mr Ole BORCH or Professor REAL-FERRER said, a sizeable proportion of the litigation involves transnational disputes, ie athletes or sports groupings of a given country challenge decisions taken by sports federations based in another country. In addition to a recent case of a French football club versus the UEFA before the court at Berne, you will remember those of a Swiss athlete versus the IAAF before the British courts or a British Formula 1 team challenging the FISA international motor sport federation before the French court. Here the "state" court often appears as a factor of uncertainty or even unpredictability, according to Mr BORCH. Once again, only a common perception of these problems can help bring about sone degree of continental uniformity. Professor ILESIC went further than anyone else by ending with the call for an international convention to regulate sports arbitration.

CONCLUSION

After such a productive seminar intended to provide us with tools I believe that the conclusions, which cannot lay claim to be any more exhaustive than the foregoing summary, should necessarily bear on the tools themselves.

The first of these was the questionnaire in preparation for the seminar, designed to advance our mutual information and still requiring fine adjustment. So many diverse situations underlie each of the "Yes-No" answers! The names of the persons who completed the questionnaires tell us whom to contact for the details still outstanding.

The second tool is the seminar itself, or rather its aftermath; it has raised many issues which now have to be clarified. We cannot be content to formulate them and go no further. It is certainly to be hoped that such a meeting will have a sequel and that the new member states of Central and Eastern Europe may find support in the SPRINT programme with a view to improving our mutual information on these questions through their participation.

Appendix 1

SYNTHESIS OF QUESTIONNAIRE ANSWERS QUESTIONNAIRE
(35 answers)

The member countries of the Committee for Sports Development (CDDS) of the council of Europe were forwarded a questionnaire designed to gather the information necessary to better understand the diversity of the national legal situations with respect to the resolution of conflicts in the field of sports in Europe in preparation for the Seminar on Sports and the Law to be held on october 25 and 26.

Thirty five countries replied within the deadline indicated (list attached).

The summary of all of the responses does not claim to be exhaustive. However, it provides an important overview of the situation as of October 1995 in 35 European countries.

We thank those national representatives (list attached) whose replies allowed the preparation of the summary for their invaluable cooperation.

I. GENERAL QUESTIONS

a) Does your country have legislation specifically on sport?

○yes : 19 countries

AUT BEL BLR CRO ESP FIN
FRA GRE ISL ITA LIT LUX
NOR POL POR ROM RUS SUI TUR

○no : 16 countries

ALB BUL CYP DEN EST GBR GER
HUN LAT MLT MOL NED SLO SVK
SWE TCH

COUNTRY	*Reference law*
ALB	A draft law on sports has been completed; it should be approved by parliament next year
BLR	The Law on Physical Culture and Sports of June 18, 1994
CRO	The Law of 1992
ESP	The Law on Sports of October 15, 1990
FIN	The Law on Sports of 1980
FRA	The Law of July 16, 1984 regarding the organisation and promotion of physical and sports activities
GRE	Law No. 75/1975 on the fundamental principles and directly concerning sports (high-level sports, extracurricular sports, justice, etc.)
ISL	The Law on Sports of 1939
ITA	The Law on the Sports Organization of February 16, 1942
LIT	The Law on Sports of Lithuania (It will be finally adopted by parliament in the next several weeks)
LUX	The Law on Physical Education and Sports of March 26, 1976
POL	The Law on Physical Culture of July 3, 1994
POR	The Law on the basis of the Sports System of January 13, 1990
RUS	The fundamentals Law on Physical Culture and Sports of 1993, and a decree of the President of the Federation of 1994
SUI	The Federal Law of March 17, 1972 encouraging gymnastics and sports

b) Is there a distinction between civil and administrative courts, or between civil and other kinds of courts?

○yes : 24

AUT BEL CRO CYP ESP FIN
FRA GBR GER GRE EST HUN
ITA LUX NED NOR POL POR
ROM RUS SLO SWE SUI TUR

○no : 10

ALB BUL DEN ISL LAT LIT MLT MOL
SVK TCH

c) Is there specific legislation for the settlement of sports disputes?

○yes : 5

ESP FRA* GRE NOR TUR

○no : 29

ALB AUT BEL BLR BUL CYP CRO
DEN EST FIN GBR GER ISL ITA LAT
LIT LUX MLT MOL NED POL POR
ROM RUS SLO SVK SWE SUI TCH

* Article 19 of the Law of July 16, 1984 (preliminary conciliation)

II. SPECIFIC QUESTIONS

a) Can a dispute concerning a decision of a referee/umpire on the application of the rules of the game be referred to a court?

○yes : 4

AUT BEL (Tribunal correctionnel) BUL
SLO

○no : 31

ALB BLR CRO CYP DEN ESP
EST FIN FRA GBR GER GRE HUN ISL
ITA LAT LIT LUX MLT MOL NED*
NOR POL POR ROM RUS SUI SVK
SWE TCH TUR

* In the Netherlands, a decision dated August 1, 1991 established the basis for the case law. The judge felt that the decision of a football (soccer) referee to stop a match 8 minutes before the end of regulation time was illegal. The Court of Appeals reversed the decision as only a referee during a game has the authority to reach a decision applying the rules of the game.

b) 1. Can a dispute concerning a decision which itself relates to rules governing sport be referred to a court?

○yes : 19

Civil Court :
AUT FIN GER LUX NED* NOR
Administrative Court :
CYP FRA GRE ITA POL POR
no specify :
BEL ESP GBR RUS SLO SVK SWE

○no : 16

ALB BLR BUL CRO DEN EST
HUN ISL LAT LIT MLT MOL
ROM SUI TCH TUR

In Cyprus, Greece and Poland, disputes first go before an internal body of the sports movement, and then may be appealed to the Supreme Administrative Court.

* Depending on the case, in The Netherlands, various courts may hear the dispute, i.e., a civil court or a criminal court. For example, a football (soccer) player is fully liable when he attacks and strikes an opponent (Supreme Court, August 28, 1991). However, the same player may be sued either before a criminal court for abuse or before a disciplinary body of the federation in question.

2. Can a dispute concerning a disciplinary decision be referred to a court?

○yes : 20	○no : 12
Civil Court :	ALB BLR DEN HUN ISL LAT
AUT BUL FIN GER LUX* MLT	LIT MOL POL ROM RUS TUR
NED NOR SWE	
Administrative Court:	
CYP FRA GRE ITA	
no specify:	
BEL CRO EST POR SLO SVK TCH	

* In Luxembourg, an emergency judge on February 18, 1988 ordered the cancellation of a suspension issued by the Luxembourg Bow Federation against Jeanne Goergen for having violated defense rules.

3. Can a dispute concerning a decision relating to the constitution of a sports federation be referred to a court?

○yes : 23	○no : 10
Civil Court:	ALB BLR CRO DEN LIT
AUT BUL FIN FRA GBR GER	MOL ROM RUS TCH TUR
GRE ISL* ITA MLT NED NOR	
Administrative Court:	
CYP ITA POL POR SVK	
no specify:	
BEL EST HUN LAT LUX SLO SWE	

* At the beginning on 1985 in Iceland, a wrestler missed doping tests and was suspended from all sports activities for 18 months. The wrestler claimed that he was not a member of any sports club and provided as proof a discussion he had had 6 months before during a training session in which he had said he did not want to be counted as the member of the club. After the suspension was ordered, he brought a case before the civil court of Reykjavik. The case then went before the Supreme Court which stated that only written proof could be accepted.

4. Can a dispute concerning the relationship between sport and its economic or social environment be referred to a court?

○yes : 30	○no : 4
AUT BEL BLR BUL CYP CRO	ALB LAT SVK TUR
DEN ESP EST FIN FRA GBR	
GER GRE HUN ISL ITA LUX	
LIT MLT MOL NOR NED POL	
POR ROM RUS SLO SWE TCH	

Example: Dispute concerning an employment contract

COUNTRY	*Court in question*	*Reference law*
ESP	Labour Court	
FIN	Civil Court	The Law on employment Contracts (April 30, 1970/320)
FRA	Labour Dispute Body	General law
LIT	Civil Court	The Labour Law
POR	Labour Court	
TCH	Civil Court	The Labour Law

c) Has a court ever, either directly or indirectly, imposed the application of a rule drawn up by a sports federation?

yes : 15	○no : 17
Civil Court: FIN FRA[*1] MLT NED NOR Administrative Court: GRE[*2] ITA SVK no specify: AUT ESP GBR GER LUX MOL POR	ALB BUL CYP CRO DEN EST HUN ISL LAT LIT POL ROM SLO SWE SUI TCH TUR

[*1] In France, the Supreme Court held that the National Professional Football Charter "was the equivalent" of a collective bargaining agreement.

[*2] In Greece, a decision of the Higher Council for the Resolution of Sports Disputes (ASEAD) concerning the application of the rules of a sports federation has been brought before the Supreme Administrative Court; that court is deciding whether it would apply the regulations developed by the sports federations.

d) Are there principles of basic procedure, particularly the respect of the rights of the defense (or to equivalent : due process of law etc), which are applicable to procedures established in sports bodies ?

○yes : 27	○no : 6
ALB AUT BEL CYP CRO DEN ESP FIN FRA GER GRE ISL ITA LUX MLT MOL NED NOR POL POR ROM RUS SLO SVK SWE SUI TUR	BLR BUL EST LAT LIT TCH

e) Does your ordinary law recognise arbitration as lawful?

°yes : 31	°no : 1
AUT BEL BUL CRO DEN ESP EST FIN FRA GBR GER GRE ISL ITA LAT LIT LUX MLT MOL NED NOR POL POR ROM RUS SLO SVK SWE SUI TCH TUR	ALB

COUNTRY	*Reference Laws*
BEL	art 1676-1723 of the Judicial Code
FIN	The Law on Arbitration Procedure, 46/February 4, 1928
FRA	Art 2059 of the Civil Code, however, Art 2061 of the civil Code states that "an arbitration clause is null and void if not provided otherwise by law"
GER	art 1025 of the Civil Procedure Code
GRE	art 867 of the Civil Procedure Code
LUX	art 1003-1028 of the Civil Procedure Code
POL	art 697 of the Civil Procedure Code

f) 1. Do the rules of sports bodies provide for an optional or compulsory referral of disputes to pre-litigation conciliation bodies?

°yes : 17	°no : 15
AUT BEL BUL CRO DEN ESP EST FIN GBR GER ITA NOR POL ROM RUS SVK TCH	ALB BLR CYP FRA GRE ISL LAT POR LIT LUX MLT MOL NED SLO TUR

Does your positive law consider these rules providing for the referral of disputes to pre-litigation conciliation bodies as lawful?

°yes : 20	°no : 7
AUT BEL BUL CYP CRO ESP GBR GER HUN ITA LUX MOL NED NOR POL POR ROM RUS SVK TCH	ALB BLR EST FIN FRA ISL LAT

2. Do the rules of sports bodies include clauses requiring the waiver of the right to refer disputes to a court?

°yes : 16	°no : 17
AUT BEL DEN FIN GBR GER	ALB BLR BUL CYP CRO ESP EST
GRE ITA LUX MLT MOL NED	FRA* HUN ISL LAT LIT POL
ROM SLO SUI SVK	POR RUS TCH TUR

* These clauses only exist for certain international sports federations which have their headquarters in France.

Are these clauses lawful?

°yes : 8	°no : 15
AUT CRO DEN GER MOL POL	ALB BEL CYP ESP FIN FRA GRE
ROM SVK	ISL ITA LAT LUX NED NOR
	POR SUI

g) Can an appeal be brought before a court against the decisions of arbitration?

°yes : 24	°no : 8
AUT BEL BUL CYP CRO ESP	ALB BLR DEN LAT LIT SWE TCH TUR
EST FRA* GBR GER GRE ISL	
ITA LUX MOL NED NOR POL	
POR ROM RUS SLO SUI SVK	

* In France, an arbitration award in and of itself may only be executed by force if it has received the exequatur of a judge (art 1477 of the New Code of Civil Procedure).

h) Are there areas, apart from sport, in which it is impossible to refer a dispute to a court?

°yes : 11	°no : 15
BLR ESP FIN FRA* GBR LAT	ALB AUT BEL BUL EST GER GRE ISL
POL NOR SWE TCH	LUX MLT MOL NED POR ROM SLO
	SVK

* In France, under administrative law, it is not possible to bring a case before a court for internal matters and for disciplinary actions in schools and in the army.

List of countries who replied to the questionnaire

COUNTRY	CODE
ALBANIE / ALBANIA	ALB
ALLEMAGNE / GERMANY	GER
AUTRICHE / AUSTRIA	AUT
BELARUS	BLR
BELGIQUE / BELGIUM	BEL
BULGARIE / BULGARIA	BUL
CROATIE / CROATIA	CRO
CHYPRE / CYPRUS	CYP
DANEMARK / DENMARK	DEN
ESPAGNE / SPAIN	ESP
ESTONIE / ESTONIA	EST
FEDERATION DE RUSSIE / RUSSIAN FEDERATION	RUS
FINLANDE / FINLAND	FIN
FRANCE	FRA
GRECE / GREECE	GRE
HONGRIE / HUNGARY	HUN
ISLANDE / ICELAND	ISL

ITALIE / ITALY	ITA
LETTONIE / LATVIA	LAT
LITUANIE / LITHUANIA	LIT
LUXEMBOURG	LUX
MALTE / MALTA	MLT
MOLDOVA	MOL
NORVEGE / NORWAY	NOR
PAYS BAS / THE NETHERLANDS	NED
POLOGNE / POLAND	POL
PORTUGAL	POR
REPUBLIQUE TCHEQUE / CZECH REPUBLIC	TCH
ROUMANIE / ROMANIA	ROM
ROYAUME-UNI / UNITED KINGDOM	GBR
SLOVAQUIE / SLOVAKIA	SVK
SLOVENIE / SLOVENIA	SLO
SUEDE / SWEDEN	SWE
SUISSE / SWITZERLAND	SUI
TURQUIE / TURKEY	TUR